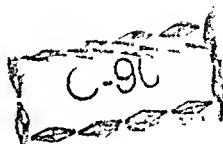


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BHIL BELLE

## THE BHIL KILLS



# THE BHIL KILLS

S.C. VARMA



KUNJ PUBLISHING HOUSE  
Raghushree Complex, 51, (1st Floor),  
Ajmeri Gate, Delhi-110006.

*The Bhil Killa*

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*Published by:*

Kunj Publishing House,  
Raghushree Complex,  
51, (1st Floor),  
Ajmeri Gate,  
Delhi-110006.

*Printed at:*

Dhawan Printing Works  
26-A, Mayapuri Phase-I  
New Delhi-110064.

*“Dedicated to the tribals of the world.  
They are still upholding human values, which the  
so-called civilized societies are fast shedding”*

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## Preface

This is a book primarily on homicides taking place in the Bhil territory of Madhya Pradesh—the largest State of the Indian Republic. In the 3 main districts comprising the Bhil area, 273 homicides, on an average, take place every year; which means that almost every 32 hours, one man loses his life. By any standard, this is a very high incidence and the desire to have a closer look at the society and the area where such an unusual phenomenon is taking place year after year is a natural one. This has been my motivation in attempting this book.

The people residing in the Bhil area murder without even batting an eye-lid but they should not be pictured as a ferocious and inhuman people. Among all the tribals in Madhya Pradesh, those inhabiting the Bhil area are the prettiest; particularly the womenfolk who are fair-complexioned and have very good features. By and large, the men also have an impressive bearing and the young men, in particular, sport moustaches which they keep twirling with a view to flaunting their manliness. The life in the area is distinguished by its boisterousness and by the eloquent presence of bows, arrows, swords and scimitars in profusion. There is unmistakable evidence of gaiety in the attire of the men, women and children. The fairs are veritable feasts of colour—red, yellow, green and blue. Girls adorn themselves with all kinds of ornaments from head to foot; the tattoo marks on the face, hands and legs heighten their beauty. They have poise, their gait has the rhythm of dance and their eyes reflect innocence and the craving to enjoy life. It is no

wonder that men are tempted to amorous ventures, sometimes even at the cost of their lives.

*Marriage by capture is a custom peculiar to the Bhil country* and it imparts a new hue to the colourful life of the people. Joy and mirth pervade the festivals and fairs where these captures originate. The boys and girls exchange meaningful glances and convey through them their longings to become partners in life; hardly a word is spoken but a lot is conveyed through the eyes. The girls tease and tantalise the suitors in their own inimitable ways. They play hide-and-seek in that colourful human mass, which is marked by the continuous beating of the drum and dancing by men and women. Finally, consent is conveyed through a meaningful smile and an affirmative nod of the head; the pretended indifference, shown during the initial stages, melts away. And then the boy and the girl get a little closer, exchange whispers and both apply red powder on each other's face. This signifies the resolve to be man and wife and then, suddenly, the two disappear from the fair. The stage for negotiation between the parents is now set.

In an area where the mundane, the drab, the ordinary or the insipid have no place, where life pulsates in a rhythm unfamiliar to other areas, the social and moral values have necessarily to be different; more so where the communities have been subjected to centuries of plunder, expropriation and all kinds of exploitation. Life and property have values different from those assigned to them in the so-called advanced societies and this is reflected in the ease with which the people in the Bhil area disregard life and property. Many things that they do are condemned as criminal according to the code of conduct now laid down by the social milieu, whose conscience is immune to their own dealings with the original inhabitants of the area. This is the backdrop against which the crimes in the Bhil area have to be viewed.

Broadly speaking, the scheme of this book is to indicate the locale of the present study, describe the origin, life and living of the Bhils, analyse the attitude of the tribal communities towards crime and to give an account of the crime situation in the Bhil area in a span of five years, 1971 to 1975. At the end, the Judges' verdict in 100 cases of Bhil homicides have been briefly narrated since it is the Judges who are the final arbiters and

whose verdict gives a succinct analysis of an event which perhaps had, as its starting point, a small quarrel or an insult or a misunderstanding but which culminated in a homicide. No study of a homicide case could be complete without recounting the Judge's verdict.

In this book, frequent references have been made to and excerpts have been reproduced from the monumental works of such eminent scholars as Verrier Elwin, Laubscher, Maliñowsky, Luard, Venkatachar and many others. In fact, it is well-nigh impossible to make a study of tribal life without drawing heavily upon the experiences of these eminent men, who projected a more faithful image of the tribal communities, made the so-called advanced society conscious of their acts of omissions against the tribals in the preceding centuries and exhorted them to make amends without any further loss of time. But for the efforts of these eminent men, the tribals would have continued to remain a misunderstood and a largely disregarded segment of society. It is not the tribals who owe so much to these scholars as the advanced communities, because these eminent men—anthropologists, ethnographers and research workers—have aroused the conscience of the advanced communities in bringing home to them their sins against the tribal communities and have enabled them to expiate their past injustices and misdeeds. The books on the Bhils by Dr. T.B. Naik and Shri S. L. Doshi have been helpful in permitting an insight into the Bhil life and culture.

I am particularly grateful to the honourable High Court of Judicature, Madhya Pradesh, for making available to me the records of the sessions cases and to the officials of the departments of Law, Police and Tribal Welfare especially Shri Justice S.J. Surana, the then Secretary to the Law and Judicial Department, Shri D.P. Agarwal, Deputy Secretary and Shri P.N.S. Chouhan, Under Secretary, Shri G.C. Saxena, a distinguished Sessions Judge, Shri K.D. Sharma, Deputy Inspector-General of Police, Shri S.L. Kalia, Director, Tribal Research and Development Institute and his Assistant Research Officer, Shri D.N. Dixit. Finally, I must express my grateful thanks to my stenographer, Shri Rama Kant Pathak, for the untiring zeal shown by him in typing the manuscript.

Now, a personal note. It so happened that in the year 1950 I started my career in the Indian Administrative Service in the district of Chhindwara which has a sizeable population of Gonds. My first contact with tribal life took place there. The second district posting was in Bastar in the year 1954; that enabled me to watch at very close quarters the life of the Bison, Horn Marias, the Murias and the Abujhmarias. The third district posting took me to Khandwa district (1958) and as Deputy Commissioner, I toured extensively in the area inhabited by the Korkus in the Satpura mountain ranges. The fourth and the last district posting was as Deputy Commissioner of Raipur district, where I got an opportunity to study the life of the Kamars and the Bhunjias and renew my contacts with the Gonds, who formed the main tribal population in areas adjoining the district of Bastar. My interest in the Bhils was aroused by two unusual features associated with this tribal community; first, the Bhagoria festival where marriage by capture takes place and second, the very high incidence of homicide in the Bhil districts of Jhabua, Dhar and Khargone situated in the western part of Madhya Pradesh. By the time my interest was fully aroused, I was appointed Chief Secretary to the Government of Madhya Pradesh, but even then I could manage to make some visits to the villages in the districts of Jhabua, Dhar and Khargone, see a number of fairs and festivals, and talk to the tribals. In particular, I studied the crime situation in the Bhil territory with the help of the court cases and police records and reports. I held detailed discussions with the police and jail officials and even met some of the homicide-convicts undergoing life imprisonment in the jails. Some lawyers in the Jhabua district were also interviewed with a view to ascertaining their opinion on the attitude of the tribals towards crime and their defence in the courts. It is in the course of these visits, that I took photographs covering different facets of tribal life in the Bhil territory, which appear in this book.

I have tried to bring into focus the homicides taking place, generally for no rhyme or reason in the *Bhil* territory. It is hoped that this serious matter will attract the attention of all those who love and feel for the tribal communities and who share my view that human life is always too beautiful and



precious to be cut short wantonly. If the Bhil homicides can be prevented or even lessened, the purpose of my taking up the present study would be fulfilled.

S. C. VARMA

# The Bhil—His History and His Country

The earliest mention of Bhils in epic literature throws light on their history as well as on the attitude of other people towards them. The name 'Bhil' is said to have been derived from the 'Dravidian' word for a bow, which is the characteristic weapon of the tribe. For the first time, the word 'Nishada' is referred to in the *Samhitas* and the *Brahmans*, which seems to denote not so much a particular tribe but to be the general term for the non-Aryan tribes, who were not under Aryan control as the Shudras were.<sup>1</sup> The word 'Nishada' of the *Vajsaneyi Samhita*, according to B.C. Law, is explained by the commentator Mahindra to mean a Bhil or Bhilala.<sup>2</sup>

The *Pauranic* account of the Bhils traces their descent from the thigh of Vena, son of Asga, a descendant of Manu Swayambhu. Vena was childless and, therefore, the sage rubbed his thigh and produced 'a man like a charred log with a flat nose and extremely short'. He was told to sit down (nishad) and was so known as 'Nishada', from whom sprang the Nishada dwelling on the Vindhya Mountains, distinguished by their wicked deeds.<sup>3</sup>

Another version of the Vena episode specifically narrates the descent of the Bhils. Vena was tainted with sin and so the *rishis*

<sup>1</sup>Macdonell and Keith, *Vedic Index*, Vol. I, p. 453.

<sup>2</sup>B.C. Law, *Ancient Indian Tribes*, Vol. II, p. 61.

<sup>3</sup>See the *Mahabharata*, *Vishnu Purana*, *Hari Vamsa*, etc.

went to him; but he signalled them to depart with a wave of his hand. At this, one of them named Angira cursed him. Because of this curse, the offending hand was turned into a churning stick, from which sprang Nishada. When he began to churn with the left hand, three more men emerged, Mushahantara, Kolla and Villa—the first ancestors of the Mushaharas, Kols and Bhils.<sup>4</sup>

According to Enthoven, the earliest mention of the word 'Bhil' occurs in Gunadhya's famous *Katha-Sarit-Sagara* where-in mention is made of a Bhil chief opposing the progress of another king through the Vindhya.<sup>5</sup>

Traditional accounts of a people are not merely interesting, but are sometimes of great cultural value. Among many told by Bhils about their origin, two have been recorded by Captain C.E. Luard.<sup>6</sup>

One says that a 'dhobi' (washerman) who used to wash his clothes in a river was one day warned by a fish of an approaching deluge. The fish informed him that as he had always fed those of his species, he had come to give him this warning and to urge him to prepare a large box which would enable him to escape. The 'dhobi' prepared the box and got into it with his sister and a cock. After the deluge, Rama sent out his messenger to inquire into the state of affairs. The messenger heard the crowing of the cock and so discovered the box. Rama then had the box brought before him and asked the man who he was and how he had escaped. The 'dhobi' told his tale. Rama then made him face in turn north, east, and west, and swear that the woman with him was his sister. The 'dhobi' remained firm in asserting that she was his sister. Rama then turned him towards the south, upon which the 'dhobi' contradicted his statement and said she was his wife. Rama then enquired as to who had told him how to escape and, on hearing, at once had the fish's tongue cut off, and since then that kind of fish has been tongueless. Rama then told the 'dhobi' to set about repopulating the world, and he, therefore, married his sister by whom he had seven sons and

<sup>4</sup>S.C. Roy, *The Mundas and their Country*, p. 34.

<sup>5</sup>Enthoven, *Tribes and Castes of Bombay*, Vol. I, article on 'Bhil'.

<sup>6</sup>Luard, C.E., *The Jungle Tribes of Malwa*, Monograph No. 11, The Ethnological Survey of the Central India Agency, 1909, pp. 17-18.

seven daughters. Rama presented the first-born son with a horse, but the recipient of this gift, being unable to ride, left the horse on the plains and went into the forest to cut wood, he and his descendants becoming foresters and starting the Bhil tribe.

One tale relates how on the creation of the Bhil, five men went to see Mahadev. Parvati, seeing them approaching, said to her spouse, 'Here come five of my brothers to ask *dahej* and *dapa* (bride-price) of you consequent to my marriage with you.' Mahadev gave them a feast and then explained that except for his bull Nandi and his *kamandalu* (a small pot with a handle to carry water) he had nothing to give. They, therefore, went home. In order to give them something, however, Mahadev placed a silver *pat* (stool) in their way, but they were incapable of seeing this. Parvati noticed that they had missed the gift sent for them and told them what had happened, pointing out that as they were not able to see the stool, there was little hope of their prospering, but that she would do what she could, and so informed them that they must be very careful of the Nandi whose hump was full of untold wealth. On reaching home, one of the five suggested slaying the Nandi and obtaining the wealth—the others demurred, but he prevailed. No wealth was found in the hump and the five were dismayed. Parvati now appeared and told them that they should have yoked the bull to the plough and thus gained wealth from mother-earth, but since they had been so foolish as to slay the sacred animal, she would never look on their faces again. For thus killing the sacred animal, the Bhil has ever lived a miserable existence, and been of no caste.

Dr. T.B. Naik also mentions one such traditional account of the Bhils recorded by him from the Patel of Toranmal. He narrates:

When Dhar was ruled by the Solanki kings, once it so happened that the three princes of a ruling king sat down to supper. Times were not good and food was scarce in the country. Even then, as they were princes, they got something to eat. While they were taking their food, a hungry dog came into the room. The two elder brothers did not mind it but the youngest ordered it in angry words to get out. The

hungry dog would not go without a crumb of bread. The prince lost his temper, took a stick and began to hit the dog; at the third stroke, the dog fell down dead.

The elder brothers did not like it. They upbraided him and said they could not live with him, a sinner. Either he should go away or he would be dealt with severely. He went out of the royal house and joined the services of the Barwani State as its Diwan. He prospered there.

Mulgam, a place near Barwani, was the stronghold of the Mawchis whose only profession was burglary and thieving. They heard of the prosperity and goodness of the Barwani Diwan and invited him to their place. The leader of the Mawchis had a beautiful daughter. The Diwan was placed in charge of this girl when they went out on their business. Love was the result of these two young persons' association. This went on for days and the Mawchi girl conceived. As soon as the people came to know of it, they asked her about the man. She would not tell at first, but at the point of the sword, she held the hand of the Diwan. The people married them both and the Diwan remained with the Mawchis. From this couple descended the Bhils, who still like to call themselves Bhil Naiks.<sup>7</sup>

In the *Parashara Samhita*, it is stated that the Bhils were born of a Brahmin woman to a Tivara father. The *Mahabharata* also refers to the god Shankar, who was bewitched by the beauty of a Bhil girl, who in fact was Parwati and who wanted to marry the god. At another place, there is a very long description of the fight between the famous Arjuna and the God. Shankar who was disguised as a Bhil or Kirata. The sanskrit poem, *Kiratarjuniyam*, was written by Bhairavi about this fight.

A glaring instance of the exploitation of the Bhil has been recorded in the great epic, *Mahabharata*. Eklavya Bhil was the son of a Bhil king Hirnyadhanu and he wanted to be a great archer. He expressed this ambition to his father and the latter told him that the greatest teacher in archery was Dronacharya but that he was imparting the skill only to the Kshatriya princes. Undeterred by this information, Eklavya went to the *ashram* of

<sup>7</sup>T. B. Naik, *The Bhils—A Study*, pp. 16-17.

Drona and begged him to accept him as his disciple. It so happened that when Eklavya was making his request to Drona, some Kshatriya princes were also present. All of them derided the very idea of a Bhil boy having an ambition to learn archery, and they vehemently opposed the proposal of including Eklavya in Drona's class. Dronacharya, therefore, expressed his inability, although he was himself greatly impressed by the devotion of Eklavya. But Eklavya was steadfast in his determination. He did not return home but settled down at a place close to Dronacharya's *ashram*. He made a clay idol of Dronacharya and started practising archery all by himself. Very soon he became an skilled archer. One day Dronacharya and his pupils happened to pass that way and when they saw the skill and accuracy with which Eklavya was shooting arrows, they were dumbfounded. In an open competition, Eklavya surpassed all the Kshatriya princes whom Dronacharya had trained in archery and among the princes was the great warrior and archer, Arjun. Dronacharya did not want any man on earth to excel Arjun in archery. Very artfully, Dronacharya asked Eklavya whether he would give him his fee (*Gurudakshina*) for having learnt archery even from Dronacharya's clay image. Eklavya was so devoted to Dronacharya that he agreed to give anything that the great *guru* might demand. Knowing full well that the use of the right thumb was the key to excellence in archery, Dronacharya asked Eklavya to cut his right thumb and to offer it as *gurudakshina* to him. Eklavya did not hesitate even for a moment—he cut off his right thumb and offered it to Dronacharya. That is how Arjun, a Kshatriya, retained his supremacy in archery. Notwithstanding the loss of the right thumb, Eklavya continued to be a great archer of his time. But from the day Eklavya lost his thumb, the Bhils have totally discarded the use of the thumb while shooting arrows. Even to this day, the Bhils pull the arrow with the help of the fore and the middle fingers, but their skill in archery is undoubtedly of the highest order. However, the treatment meted out to Eklavya exemplifies the discriminatory attitude of society towards the Bhils, even in ancient times.

It is also said that Lord Krishna was killed by a Bhil's arrow and that, on this account, it was ordained that the Bhil should never again be able to draw the bow with the thumb of the

right hand. This practice distinguishes them from other tribals like the Baigas of Mandla and the Marias of Bastar district, who use their thumb for holding and releasing the arrow.

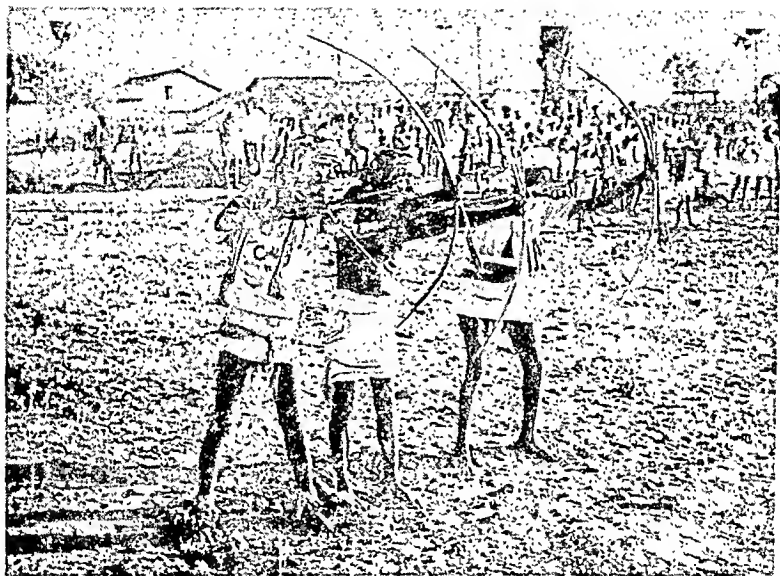
There are references to the Bhils in the *Ramayana*. Shabri, who is known as a great devotee of Lord Rama, was a Bhil woman. Rama once visited her *en route* his destination in the forest. She wanted to give him the best and sweetest of her collection of 'ber' (a fruit). She thought that the best way to find the sweetest fruits was to taste a little of each of them, and so she did accordingly. Lord Rama was very pleased with her devotion and did not mind eating the *uchchishtha* (left-over after eating). Abul Fazal, in his famous *Ain-i-Akbari* has also referred to Bhils apropos their obedience to law and their perseverance in day-to-day affairs.

The Rajputs still recognise the Bhils as the original inhabitants and occupiers of the land, which is demonstrated by the fact that some Rajput chiefs had to be marked on the brow with Bhil's blood on accession to the throne. This custom continued to be observed in the old States of Dungarpur, Banswara and Deolia (Pratapgarh), and the chiefs of these States as well as of the State of Kota recognised the Bhils by having the blood-marks of their thumbs placed on their foreheads on the occasion of the crowning ceremony of a new king.<sup>8</sup>

In the annals of Mewar, the Bhils have always figured as the brave and dauntless supporters of the Ranas. Rana Pratap, exhausted by the attacks of the Moghuls during the famous Battle of Haldighati, took refuge in the jungle. His family members were on one occasion "saved by the Bhils of Gavah, who carried them in wicker baskets and concealed them in the tin mines of Jawaura where they guarded and fed them. Bolts and rings are still preserved in the trees about Jawaura and Choud, to which the baskets were suspended, the only cradles of royal children of Mewar, in order to preserve them from the tiger and the wolf."<sup>9</sup> The Rana paid honour to the Bhils by giving them a prominent place in the State emblem of Mewar in which both

<sup>8</sup>Colonel Tod, *Annals and Antiquities of Rajasthan*, Vol. I, p. 209.

<sup>9</sup>Ibid., p. 370.



BHILS SHOOTING ARROWS



Pratap and Bhil stand on either side of Eklingji.<sup>10</sup>

It appears that Rajputs at first treated the Bhils leniently. Inter-marriages were frequent, especially with the families of Bhil chief. A new caste 'Bhilala' that had thus arisen consisted of descendants of mixed Rajput and Bhil marriages. Instances occasionally occurred in which the children of a Rajput by a Bhil wife were recognised as Rajputs. When Col. Tod wrote, Rajputs would still take food with the Ujale Bhils or those of pure aboriginal descent and all other castes also would take water from them. But when Hinduism became more orthodox in Rajputana, the Bhils sank to the position of out-castes.<sup>11</sup>

In spite of the fact that the Bhils assisted the Rajputs on many occasions, the fact remains that in the later period of Rajput sovereignty, the Rajputs treated the Bhils as beasts. The Rajputs tyrannised them, 'exercising a rough justice in which their victims might be whipped, or beaten with shoes. Their eyes could be gouged out, they could be hanged on the trees upside down and their legs cut off.'<sup>12</sup> This suppression drove them to lawless and criminal careers. They took to dacoity and highway robbery. It was difficult to pursue a Bhil in mountainous terrain and their anti-social activities lasted till about 1824 when the British Government, with the establishment of the Mewar Bhil Corps, brought them under control with milder treatment.<sup>13</sup>

In Khandesh, during the disturbed period of the wars of Scindia and Holkar around 1800 A.D., the Bhils betook themselves to highway robbery and lived in bands either in mountains or in villages close to them. The revenue contractors were unable or unwilling to spend money on the maintenance of soldiers to protect the country and the Bhils in a very short time became so bold as to appear in bands of hundreds and attack towns, carrying away either cattle or hostages for whom they demanded handsome ransoms.

<sup>10</sup>G.N. Sharma, *Mewar and Moghul Emperors*, p. 88.

<sup>11</sup>T.B. Naik, *The Bhils—A Study*, op. cit., p. 19.

<sup>12</sup>Morris Carstairs, *Eastern Anthropologist*, Vol. 4, p. 172.

<sup>13</sup>Major Erskine, *Mewar Residency*, Vol. II-A, p. 230.

Rev. M. A. Sherring has given a vivid description of Bhils of Khandesb.<sup>14</sup> He says:

Formerly, the country of the Bhils was a sum of lawlessness and anarchy. Licentious, superstitious, addicted to drunkenness and leading a wild, vagabond life, they submitted to no control, but plundered all other tribes within their reach, levied heavy blackmail on travellers and often banded together in large numbers and with astonishing intrepidity, mingled with the cruelty and blood thirstiness of savages, eagerly waged war with any force sent against them. On one occasion the Guicowar despatched an army of ten thousand men to subdue them, but instead of accomplishing their purpose, they were driven from the land with confusion and ignominy. When Bajee Rao, on the death of Nana Furnavese, became Peshwa, and Jeshwant Rao Holkar organised a rebellion, and the province of Khandesh was thrice overrun and devastated by marauding armies, the Bhils availed themselves of the opportunity offered, and wandering about the country in strong bodies, committed the most violent excesses, and brought it to desolation and ruin.

In 1818, when the province came under British rule, anarchy and lawless occupation had reached a fearful height, and murder and rapine stalked openly and unrestrainedly through the land. Fifty notorious leaders infested this once flourishing 'garden of the west', and their commands were implicitly obeyed by upwards of five thousand ruthless followers, whose sole occupation was pillage and robbery, whose delight alone consisted in the murderous forays, and whose 'subsistence depended' entirely on the fruits of their unlawful spoil. Smarting also under the repeatedly broken pledges of the former native government, and rendered savage by the wholesale slaughter of their families and relations, the Bhils were more than usually suspicious of a new government of foreigners, and less than ever inclined to

<sup>14</sup>Rev. M.A. Sherring, *Hindu Tribes and Castes, together with an account of the Mohammedans Tribes of the North West Frontier and of the Aboriginal Tribes of the Central Provinces*, 1879, pp. 291-5.

submit to the bonds of order and restraint. From Kokurnonda to Booranpur, the whole range of the Satpura mountains teemed with the disaffected. The Satmulla and Ajunta Bhils, under thirty-two leaders, were in arms in numerous parties, carrying fire and sword over the southern parts of the province; and the work of desolation was urged with a bloody hand through the entire range of the Western Ghauts. The roads were impassable; villages in every direction were plundered, and murders daily committed; and cattle and hostages were driven off from the very centre of the province.

Such was the calamitous condition of Khandesh when it came into British hands. Two widely different kinds of policies were adopted towards the refractory Bhils, which deserve consideration. The first was that of coercion by the slaughter of leaders, by 'banishment, imprisonment, the lash, and the gibbet', accompanied by alternations between conciliatory measures, abandoned, if not quickly successful, for the punitive remedy, which was equally unsuccessful. The second was that of gentleness, kindness, and persuasion, a policy which tamed these savage barbarians, and proved wonderfully successful. The main features in this theory of reformation were the awarding of strict justice to an oppressed race; by the overthrow of the patriarchal authority of the Naicks (hereditary headmen), and the substitution in their stead of a European chief, who should be equally respected and obeyed, and whose command and precepts would prove of a very different nature to those which had heretofore emanated among the hills; the conciliatory character and talent of the officers to be employed; the judicious selection for the new military body of the wild unruly spirits who disdained the toil of honest labour, and the settlement among colonies of the more staid of their society; the provision of a comfortable maintenance for every one; the re-establishment of the ancient village Bhil police; and above all the mild and liberal, though firm, spirit of the existing administration, which encouraged with generous assistance the well-disposed, exercised a wholesome control over the evil-doers, and whose measures, under the new arrangement, were equally certain of

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In 1818, when the province came under British rule, anarchy and lawless occupation had reached a fearful height, and murder and rapine stalked openly and unrestrainedly through the land. Fifty notorious leaders infested this once flourishing 'garden of the west', and their commands were implicitly obeyed by upwards of five thousand ruthless followers, whose sole occupation was pillage and robbery, whose delight alone consisted in the murderous forays, and whose subsistence depended entirely on the fruits of their unlawful spoil. Smarting also under the repeatedly broken pledges of the former native government, and rendered savage by the wholesale slaughter of their families and relations, the Bhils were more than usually suspicious of a new government of foreigners, and less than ever inclined to

<sup>14</sup>Rev. M.A. Sherring. *Hindu Tribes and Castes, together with an account of the Mohammedans Tribes of the North West Frontier and of the Aboriginal Tribes of the Central Provinces*, 1879, pp. 291-5.

submit to the bonds of order and restraint. From Kokurmonda to Booranpur, the whole range of the Satpura mountains teemed with the disaffected. The Satmulla and Ajunta Bhils, under thirty-two leaders, were in arms in numerous parties, carrying fire and sword over the southern parts of the province; and the work of desolation was urged with a bloody hand through the entire range of the Western Ghauts. The roads were impassable; villages in every direction were plundered, and murders daily committed; and cattle and hostages were driven off from the very centre of the province.

Such was the calamitous condition of Khandesh when it came into British hands. Two widely different kinds of policies were adopted towards the refractory Bhils, which deserve consideration. The first was that of coercion by the slaughter of leaders, by 'banishment, imprisonment, the lash, and the gibbet', accompanied by alternations between conciliatory measures, abandoned, if not quickly successful, for the punitive remedy, which was equally unsuccessful. The second was that of gentleness, kindness, and persuasion, a policy which tamed these savage barbarians, and proved wonderfully successful. The main features in this theory of reformation were the awarding of strict justice to an oppressed race; by the overthrow of the patriarchal authority of the Naicks (hereditary headmen), and the substitution in their stead of a European chief, who should be equally respected and obeyed, and whose command and precepts would prove of a very different nature to those which had heretofore emanated among the hills; the conciliatory character and talent of the officers to be employed; the judicious selection for the new military body of the wild unruly spirits who disdained the toil of honest labour, and the settlement among colonies of the more staid of their society; the provision of a comfortable maintenance for every one; the re-establishment of the ancient village Bhil police; and above all the mild and liberal, though firm, spirit of the existing administration, which encouraged with generous assistance the well-disposed, exercised a wholesome control over the evil-doers, and whose measures, under the new arrangement, were equally certain of

being promulgated and enforced by unbiassed servants.<sup>15</sup>

A free pardon was granted for all past crimes to those who surrendered at discretion; waste lands were allotted rent-free for a term of twenty years, wherever the naicks and their followers proposed to settle; and an ample grant of money for clothes and subsistence; together with animals and implements of cultivation, were allowed during the period when the rude husbandman was under proper instruction, to make the earth yield up her treasures for his own support.<sup>16</sup>

At first it was difficult for the Bhils, accustomed as they were to viewing suspiciously the proceedings of all other races with which they came in contact, to believe in the good faith of the British Government. Gradually, however, their confidence was gained. Yet it was a hard matter for a tribe, which had been engaged for so many years in rapine and debauchery, to settle down to peaceable pursuits. Much depended on the tact and judgment of the English officials. Captain Outram freely associated with them, and went about unattended.

Indulging the wild men with feasts and entertainments, and delighting all by his matchless urbanity, Captain Outram at length contrived to draw over to the cause nine recruits, one of whom was a notorious plunderer, and had, a short time before successfully robbed the officer commanding the detachment which had been sent against him. This infant corps soon became strongly attached to the person of their new chief, and entirely devoted to his wishes. Their good-will had been won by his kind and conciliatory manners; while their admiration and respect had been thoroughly roused and excited by his prowess and valour in the chase.<sup>17</sup>

Slowly, but surely, the happiest results of this excellent policy were attained. The Bhils themselves were organised into an

<sup>15</sup>Captain D C. Graham, *Sketch of the Bhil Tribes of the Province of Khandesh*, Part II, pp. 6, 7.

<sup>16</sup>*Ibid.*, p. 7.

<sup>17</sup>*Ibid.*, p. 8.

invincible corps for establishing order in the province, and for subduing their own clans. The lands were again cultivated and began to assume that appearance of prosperity which now so conspicuously distinguishes it.

The Bhil who conformed to the new administration, experienced a new birth. 'He feels a relish for that industry', says Captain Graham, 'which renders subsistence secure, and life peaceful and happy. He unites with the ryot in the cultivation of those fields which he once ravaged and laid waste; and protects the village, the traveller, and the property of Government, which were formerly the objects of his spoliation. The extensive wilds, which heretofore afforded him cover during his bloody expeditions, are now smiling with fruitful crops, and population, industry, and opulence, are progressing throughout the land. Schools have been introduced for the benefit of the rising generations; and the present youth, inured to labour, and sobered by instruction, have lost the recollection of the state of older times, when, from their insular position the tribe retorted vengeance and hatred upon their oppressors.'<sup>18</sup>

Many of the Bhils have dropped the appellation by which they were formerly known, and have chosen others, more consonant in their estimation, with the usages of civilised life, which they have of late years adopted. Some of their tribes and clans, however, still adhere more or less to the rude habits which once characterised the entire race.

In his book, *A Memoir of Central India*, published in 1880, Major-General Sir John Malcolm records the following description of the Bhils:

'The history of the Bheels has been fully given and that necessarily included much of their habits and character. Those that live in villages are reputed faithful and honest; they are usually the watchmen, and have a portion of land or dues assigned them. These village Bhils have little intercourse with their more numerous and independent brethren, who dwell among the hills. The cultivating class of Bhils; who live in districts and hamlets under their Turwees or heads, though industrious, have neither given up the habits nor arms of the tribes in a ruder state, and,

<sup>18</sup>Ibid., pp. 6-7.

like them indulge in strong liquors to excess. They excite horror of the higher classes of Hindus, by eating not only the flesh of buffaloes, but of cows.

'The plundering or wild Bhils, who reside among the hills, are a diminutive and wretched looking race, whose appearance shews the poverty of their food; but they are nevertheless active and capable of great fatigue. They are professed robbers and thieves, armed with bows and arrows; they lie in wait for the weak and unprotected, while they fly from the strong. Ignorant and superstitious to a degree, they are devoted to their Turwees, whose command is a law which they implicitly obey. The men, and still more the women, have their intellect formed by their condition; they are quick, have a kind of instinctive sense of danger, and are full of the art of evasion. To kill another when their Turwee desires, or to suffer death themselves, appears to them equally a matter of indifference. The whole race are illiterate, and they are, without exception, fond of tobacco and liquor to excess. Their quarrels begin and end in drunken bouts; no feud can be stanch'd, no crime forgiven, but at a general feast; and here the common and popular fine for every offence is more liquor to protect their riotous enjoyment which sometimes continues for days. The Bheel women have much influence in the society; but it is a curious fact that their manners and disposition are in general quite opposite to what has been stated as those of the females of Pindarries. They never accompany the men in their expeditions, and when prisoners are taken, their principal hope of life is in the known humility of the women. The latter are usually the first sufferers from the crimes of their fathers and husbands, the women and children (when the men are suspected) being always seized when the Government can lay hold of them. They show in such circumstances great patience and fortitude, as they well know the men will never abandon them and that the guilty will surrender themselves to any punishment, even death, rather than allow them and their children to continue in confinement.

'The Bhils, though in distinct classes, are still one people. They all eat the same diet; they inter-marry; and they unite in the mode as well as the substance of their worship. The latter, in essentials, is similar to other Hindus; but the forms are different. The religious ceremonies of this rude race are much limited



to propitiatory offerings and sacrifices to some of the Hindu minor infernal deities, but particularly the "Goddess of the Small-Pox", whom they invoke under various names in the hope of averting the dreadful ravages this disorder at times makes among them. They also pay great reverence to Mahadeva, from whom as has been stated, they boast descent.

'The Bhils are quite a distinct race from any other Indian tribe, yet few among the latter have higher pretensions to antiquity. The adoption of their usages and modes of life by other classes of the community, and the fruit of the intercourse of their females with both Mohammedans and Hindus, have led to the term Bhil being applied in general to all the plunderers who dwell in the mountains and woody banks of rivers in the Western parts of India. But these are in no manner (beyond the common occupation of plunder) connected with the real Bhils, who have from the most remote ages been recognised as a distinct race, insulated in their abodes, and separated by their habits, usages, and forms of worship, from the other tribes of India.

'The Bhils have a rude system of justice. Their chiefs punish, more or less, according, to their disposition as their power renders them indifferent to the opinion of their adherents; but the first among them are too dependent on the attachment of the Turvies, or heads of families, who support them, to venture often on arbitrary acts of violence with their own people. If a murder, robbery, or theft be committed, the chief, or family of the sufferer, demands reparation. If refused, immediate resort is had to acts of retaliation or reprisal; and, as this provokes further violence, it often happens that several lives are lost to avenge a single murder, or fifty head of cattle plundered in consequence of one having been stolen. These proceedings are, however, only the effusions of sudden rage; and the elders of the tribes, when that is cooled, interfere, and in all quarrels or disputes, great or trifling, they have resort to Punjayets. These often consist of several hundred members, as every person connected with the plaintiff or defendant sits upon them; they generally assemble under the shade of a tree, and settle the terms on which the murder, robbery, or theft is to be compounded. Fines in cattle or money are high upon murders; but Bhil Punjayets never inflict death. If the crime committed be of so atrocious a nature as not to be compounded or forgiven, the

culprit is pursued and destroyed by those whom this act has made his enemies; but he must be put to death in what they term an affray, that is, in warm blood—to take the life of each other coolly, is revolting to their usages.

'The proceedings of Punjayets of the Bheels are not written; but the memory of the most remarkable of the awards is long preserved in the tradition of the tribes concerned, and they are quoted on the authority of their elders as precedents for future decision. When one of these rude courts meets, a buffalo and a large quantity of liquor are made ready; and the moment the ceremony of breaking a stick, or throwing a stone into a revered stream, announces that the feud is stanchd, or the dispute settled, the buffalo is slain, and the copious draughts of liquor which are liberally taken by all parties, make them soon forget that they were ever enemies.'

During the 1857 Mutiny, the Bhil corps remained on the side of the Government and rendered yeoman service in checking local outbursts which occurred in Khandesh. A second battalion was raised at this time, but was disbanded three years afterwards. After this, the corps had little or nothing to do and the absence of fighting and higher wages, which could be obtained by ordinary labour, ceased to render it attractive to the Bhils; it was finally converted into a police unit in 1891.<sup>19</sup>

The period from 1878 to 1889 was marked by the career of the notorious dacoit Tantia Bhil, whose story resembles that of Robio Hood. Tantia was born in Nimar in or about 1844 and, when he was 30 years old, was arrested for the first time and imprisoned for a year for bad livelihood. He then took to committing petty thefts, and subsequently kidnapped a Patel's brother and obtained a ransom of Rs. 110 for him. He was arrested and imprisoned in the Khandwa jail in 1878, but escaped after 3 days' confinement. He then began his career as a leader of dacoits, which lasted for more than 10 years and made his name well-known throughout India. In 1880, about 200 of his followers were captured and sentenced, but a few of them escaped from the Jubblepore jail and returned to Nimar and this put fresh heart into the remainder of the band. Tantia now

<sup>19</sup>A.H.A. Simcoy, *The Khandesh Bhil Corps*, p. 71

extended his operations to the Indore State and the Ellichpur and Hoshangabad districts. Concerted measures under the direction of Sir Lapel Griffin, Agent, Central India, were taken for his capture, but with a complete lack of success. A reward of Rs. 5000 was set on his head. He had obtained the favour of the lower classes by posing ostentatiously as the friend of the poor. He distributed the proceeds of his robberies among them and paid liberally for food or information supplied, and various stories are told of his exploits and of his habitual kindnesses to women and children. On one occasion, he beat a Brahman almost to death to extract Rs. 100 from him and then returned him a rupee for charity. He gave money to many poor people for the marriages of their daughters, and was generally known to them as Tantia Mamu or 'Uncle Tantia'. At length, he grew tired of being hunted and paid large sums to various officials who promised to procure him a pardon. He was finally decoyed to a meeting by an officer of the Indore army, having been promised, according to his own account, that the terms of his pardon would be arranged there, and was captured by ambush. He was conveyed to Jubblepore and tried and hanged in December 1889. Crowds of people flocked to every station on the journey to see him and so much sympathy was excited for him that the Nagpur Bar submitted an appeal on his behalf to the Chief Commissioner.<sup>20</sup>

With the passage of time, the Bhils gradually started giving up highway robbery and their anti-social activities. The subsequent history of the Bhils is one of undisturbed peace marked by isolation and poverty.

Herbert Risley measured some 200 Bhils of Rajputana and classified them as belonging to the Dravidian type. His findings revealed that the average cephalic index of the Bhils was 76.5, the maximum being 84 and the minimum 68; the nasal index was 84.1, the maximum being 105 and the minimum 63; and the average height was 162.9 cms., the maximum being 176.4 cms. and the minimum 147.62 cms.<sup>21</sup> Dr. T.B. Naik, accepts the suitability of the size of the sample selected by Risley, but

<sup>20</sup>R.V. Russell, I.C.S., *Central Provinces District Gazetteers*, Nimar District, Volume A, 1908, pp. 47-48.

<sup>21</sup>H.H. Risley, *The People of India*, 1915, p. 370.

he does not accept the findings without assigning any reasons for it. Dr. Naik says, "Though Risley's sample is big enough to give statistically significant results, his classification of the Bhils as "Dravidian" cannot be accepted."<sup>22</sup>

In the year 1931, Dr. Guha visited several Bhil villages in the Western Vindhya and took measurements of 50 adults belonging to the Tarvi sub-tribe of the Bhils, who were, as far as could be ascertained, of pure blood. Dr. Guha came to the conclusion that :

The aboriginal population of India shows a short, long and moderately high headed strain with often strongly marked brow-ridges, broad short faces, the mouth slightly inclined forward and small flat nose with the alae extended. The hair varies from wavy to curliness and the skin colour is a shade of dark chocolate-brown approaching black. This type is predominant among the aboriginal tribes of central and southern India. The Bhils of the Vindhya and the Cenhus of the Farhabad hills may be regarded as representatives of this type.<sup>23</sup>

Here again, Dr. T.B. Naik does not accept the views of Dr. Guha because of the statistically insignificant size of the sample. He says: 'Apart from other reasons than the unsatisfactory value of this coefficient, the number measured by Dr. Guha must be considered statistically insignificant. Just 50 individuals of a particular sub-section of tribe cannot tell what it has been made to.' He further adds: 'Thus we have to accept Dr. Guha's findings with caution. Another unsatisfactory characteristic of his data is that the Tarvis are not a pure-blood group of the Bhils. Because there are Hindu Tarvis and Muslim Tarvis; and we don't know which group he measured'.<sup>24</sup>

In the year 1944, Stephen Fuchs measured 86 Bhils from the then Jhabua State of Madhya Pradesh and found them to be one of the most primitive groups of the whole Bhil tribe. He observed that :

<sup>22</sup>T.B. Naik, *The Bhils—A Study*, op. cit., p. 6.

<sup>23</sup>B.S. Guha, *Census of India, 1931*, Vol. 1, Part 3, p. lxii.

<sup>24</sup>T.B. Naik, *The Bhils—A Study*, op. cit., pp. 6-7.



BHIL YOUTH



BHIL ADULT



## TRADITIONAL ORNAMENTS

A BHIL WOMAN WEARS TWENTY FOUR KINDS OF ORNAMENTS  
FROM HEAD TO FOOT

so worn that it keeps the breasts almost half-exposed and it has to be tied at the back with two strings. The 'odni' is used to cover the head and the portion of body above waist. Usually, three-fourths of it is fastened to the petticoat, on which it hangs on the right-hand side, while the remaining portion of the cloth is used to cover the head and the bosom.

The possession of clothes for a Bhil is just a necessity to protect him from the cold and sun. Economically, he is so poor that he cannot have more than one pair of clothes. It is only when the crops are ready and the grain is sold that the clothes are purchased. These serve him for at least one whole year. Before this period, they use the available rags and bits of cloth which they had previously purchased and preserved.

The Bhils are also very fond of ornaments for their personal adornment. Both men and women invariably wear earrings and finger rings made of white metal or brass. Those who can afford it wear rings made of silver or gold. Ornaments are considered to enhance the beauty of the wearer; they are also a sign of wealth. The young people occasionally display a certain amount of coquetry in their dress, especially the women. The list of ornaments worn by women is very long, and of course all these cannot be bought by a single individual for they will be worth hundreds of rupees at the present prices. A list of ornaments generally worn by married women is given here:<sup>9</sup>

1. Bor—white metal or silver, worn on hair just above forehead.
2. Rakhdi brass, tied on to the end of the pigtail, and hanging down the back.
3. Jhumka—white metal or silver worn on the forehead.
4. Bindi—white metal or silver, worn on each side of the head.
5. Pandi—white metal or silver, worn in holes bored in the upper lobes of the ears.
6. Toti—white metal or silver, worn in holes bored in the lower lobes of the ears.
7. Nose-ring—silver (or gold), worn in the left nostril.
8. Tagli—silver or white metal, worn around the neck.
9. Beads—false pearls, black and white beads, etc., worn on neck.

<sup>9</sup>Ibid., p. 36.

offence and defence. The 'phalia' is a favourite weapon for committing homicide. Some of the Bhils are also experts in throwing stones or missiles from slings and there are stories wherein the Bhils have badly hurt their enemies by using only slings and stones. Some Bhils have been able to get arms licences and they, have with them muzzle and breach-loading guns. They also prepare traps for catching birds and small jungle games.

The Bhils use a large variety of earthenware. Their cooking, drinking and eating vessels are all earthen. They do not make these themselves, but purchase them from the local markets. Aluminium and other-base metal utensils are also now finding a place in their households.

The dress of the average Bhil is of the simplest form. The usual dress of a male is a loin-cloth (koshi), a waist-cloth which does not go below the knee, a shirt or 'bandi' and a turban or 'paghadi'; when they are at home, they usually wear only loin-cloth and turban. Though the turban is no indication of the social status of the wearer, yet it has become an inseparable part of the Bhil dress. Children are generally asked not to go bare-headed, since bare-headed person becomes the target of elderly ridicule and reproach. The turban plays a still more important part in the Bhil custom—whenever a man divorces his wife, he tears off the turban-end and gives it to her.

The dress of a Bhil woman mainly consists of a petticoat (ghaghara) in red and black colours, a bodice (kanchhi) and a piece of cloth used both as waist-cloth and as bead dress (odni). The petticoat or ghaghara covers half the body up to the waist. It is skirt-like and is made of red and black coloured khadi or some other coarse cloth with a number of plaits and it hangs from the waist to the ankles. The female way of wearing a ghaghara is to keep the left hand side shorter than the other, the ends being tucked in; the looser end is taken to the back from between the legs and is tucked up there in such a way that the lower side is once more stretched and tucked at the front, known as 'Kachhaddo'. The decent way of wearing this cloth is that the shorter side must cover the whole thigh. The woman who keeps the thigh open is regarded as an immoral woman or a woman who runs after many persons. The kanchhi or bodice is





MUSICAL INSTRUMENTS OF THE BHILS

No work is ever done on the Amawasya day.<sup>8</sup>

They also have a large number of musical instruments, the drum being predominant. On this, three main notes are used, for joy, grief, and fear. Other instruments are the tom-tom, cymbals, small and large-sized bamboo flutes, a mouthpiece string which is held tight and vibrated with the nails (Tengari), a small 'tambur' made from a coconut shell and horse's hair attached to a small stick (mandol), and a bronze thali (plate) beaten with a stick.

The traditional weapon of the Bhil is the bow and arrow. The wood of the Dhaman (*Grewia vestita*) or bamboo is used for the bow. The string is either of a thin and long bamboo strip tied at both the ends with threads made from the 'movasyo' plant or a strongrope. The Khari wood or bamboo is used for the arrows. The metallic pointed part of the arrow (bilkhi) is made of iron and is very neatly tied, feathers are tied and glued to the other end of the arrow so as to guide the arrow's flight correctly. Captain C. E. Luard in his *Jungle Tribes of Malwa*, has described six kinds of arrows prevalent among the Bhils; the names differ from area to area. They are :

1. Ghadiyal—This is used for shooting at long range. The head is so fixed as to remain behind, without the shaft, after it penetrates.
2. Jamni —This has a broad head. It does not carry so far and makes a shallow but wider wound. It is always used on deer.
3. Bhalka —A heavy arrow used at short range and even as spear at times. It is used on tiger.
4. Tavadia —A sharp pointed arrow with four edges. Not commonly used, but now being employed in fights or on big animals.
5. Kanyali —Much like Jamni. If it is pulled out it brings the inner parts out with it.
6. Bitla —A blunt button-headed arrow used by the beginner while learning to shoot small birds.

Swords and 'Dharias' are used at times as weapons of

<sup>8</sup>C.E. Luard, *The Jungle Tribes of Malwa*, 1909, pp. 33-4.

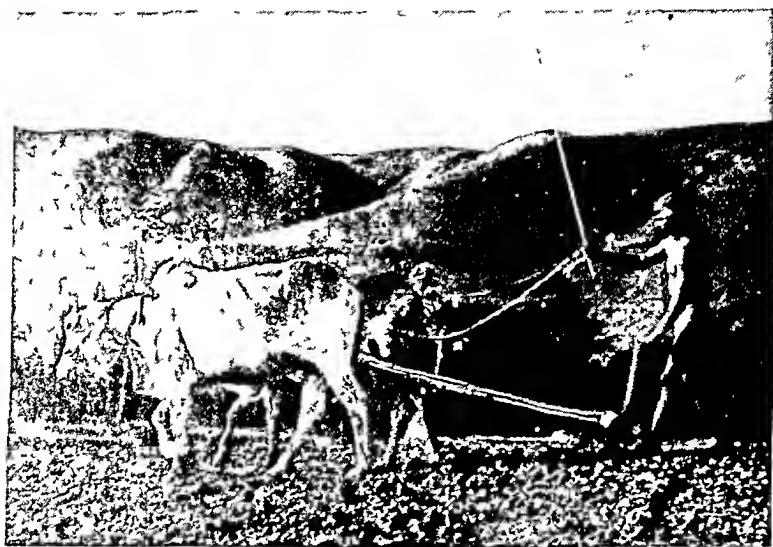
such scattered locations of the houses are the fear of the neighbour being a witch, the dread of some potential infection, the requirements of safety against fire and the over-consciousness of the Bhils regarding their women folks.

The Bhil houses are rectangular buildings, raised above the ground on a layer of earth and stones, with mud walls. The roof rises at an inclination of about 45 degrees from the two long sides. The houses are made of bamboo thatch, mud and cow-dung plaster. All the walls are blind except the front one, which has a small door. Some houses have entrances from behind also, though these are strictly private, leading to the kitchen-cum-sleeping rooms; no person who is not intimate with the household, can enter a house through such a rear door. The proper entrance is the front door, which generally remains open but is closed from inside by an obstructing bamboo door at night and padlocked from outside when the inmates go out.

The Bhils erect a bamboo stand for water 'mohali' just adjacent to the hut, generally at the back of it. Water for cooking and drinking purposes is kept on it. Water is taken out of the earthen pot with the help of a wooden cup named 'dovi' or 'tumbi' and drunk with the help of palms. 'Dovi' or 'tumbi' is not permitted to be defiled by touching the mouth. A thatched cattle-shed 'mandva' is also erected in front of the house. In the dry season, hay and grass are piled over this shed.

The Bhils are an agricultural people, though their techniques are crude and clumsy as compared to the other agricultural communities of the country. They carry on their farming with wooden ploughs and a pair of bullocks. They make their own agricultural implements. Other implements that they use are weeders, axes, sickles, crow-bars, rakes (Dharias) hoes, etc., as well as ropes.

Hindu ideas as to propitious days have become general, with some modifications, in the observances followed. Thus the day 'Adhatij' is considered the proper time for commencing operations. Before sowing a cultivator sets a stone up at the top of his field and anoints it with red powder and breaks a coconut over it; this stone represents Ganesh. Twice or thrice in the rains a solemn worship is held called 'Jatar'.



BHIL PLOUGHING HIS FIELD. THE TERRAIN IS  
UNDULATING AND SOIL FERTILITY POOR

Burhanpur to Chopda, are Mohammedan by religion. During the reign of the Emperor Akbar, a number of villages were granted to local Bhil chiefs as service grants for keeping the hill roads through the Satpuras clear of robbers. The attention of Emperor Aurangzeb was apparently directed to this irregular police force and it is not impossible that in some cases at least the continuance of their grants of land was purchased by the holders at the cost of a change of religion. Since then their descendants have continued to ensure safe conduct to travellers through the passes of the Satpura and in many cases these grants of land have been confirmed by the British Government, who still call upon the holders to perform minor police duties. The Emperor Aurangzeb appears also to have stiffened the local levies by adding a certain number of north country Mohammedans and posting them at selected points. These individuals were compelled to procure their womankind locally and the descendants of these Muslims and their Bhil wives and also the local converts are known in this Presidency as Tadvī Bhils. It is a curious fact that on the northern slopes of the Satpura another group, also known locally as Tadvī Bhils, exist, but these are one and all Hindu. It is not clear whether the majority of the converts reverted to their former religious belief but such an explanation fits the circumstances and cannot be regarded as extravagant.'

The landscape against which a Bhil dwells is a series of hills covered with different shades of green. In the summer, when the 'Palash' blossoms red, it appears as if the whole forest is on fire. Intoxicatingly sweet-smelling 'Mahua' makes a Bhil very busy in the forests. Scattered among the prevailing greens may be seen a mango tree in blossom, standing by the side of a low thatched roof of a Bhil house. They speak of their country as a poor country, where one has to labour with his blood and tears to remain half-fed, yet the place is very dear to them. Every piece of land and every tree and bush is connected with their past sorrows and joys.

The villages situated in these valleys present a scattered pattern of settlements, where the houses are located far apart from one another. Thus, sometimes, a village may occupy an area of 2 to 3 square miles. Probably, the main reasons for

and this is followed by another, eaten on the spot where the person died. The Bhils have now generally abandoned the practice of eating beef. Most of them are labourers and a few are tenants. The wildest of them still carry bows and arrows and shoot with great accuracy. One derivation of the tribal name is from "billu", a Dravidian word for a bow. The Bhils are mentioned by Ptolemy in 150 A.D. under the name of Phyllitae. Mr. Crooke<sup>6</sup> says of them: "According to local tradition the Bhils were once the ruling race in Rajputana, Central India and Gujarat, and it is believed that they, like the Kolis, were reduced to subjection by the Rajput tribes, who from the end of the fifth century of our era began to push their way southwards. In many of the States of Rajputana, Malwa and Gujarat, this claim is recognised by their overlords, and whenever a Rajput chief succeeds to the throne, it is a necessary part of the rite of investiture that his brow should be marked with blood drawn from the thumb or toe of a Bhil. He thus becomes admitted by the covenant of blood into the kin of the ancient rulers of the land".

H.T. Sorley,<sup>7</sup> in his 'Note on the Aboriginal and Hill Tribes found in the Bombay Presidency', gave a brief account of the 'Tadvi Bhils'. In his note he has recorded:

'This clan, which consists of a series of tribal groups, is by far the largest unit among the Aboriginal and Hill Tribes and is possibly the most interesting. Considerable controversy has taken place over the veiled question whether Bhils should be regarded as Hindus or Animists. The Reverend Enoch Hedberg, a missionary who has spent many years among the Bhils of West Khandesh, is of opinion that they should be regarded as Hindus but the reasons advanced by him in support of this view are not particularly convincing. However, whether the bulk of this clan should rightly be regarded as Hindu by religion or not, it is less well known that a small group of Bhils scattered along the forest live on the southern slopes of the Satpura from

<sup>6</sup>Crooke : *Northern India*, pp. 66, 67.

<sup>7</sup>H.T. Sorley, *Census of India, 1931*, Vol. I, Part III Ethnographic (S. B.).

## The Bhil—His Life

Probably the first attempt at collecting ethnographical data on the aboriginal tribes of the Central Provinces was made in the year 1866, when the Asiatic Society of Bengal circulated a memorandum describing the kind of information that ethnologists desired regarding the aboriginal tribes of India. Sir Richard Temple, who had himself devoted some attention to ethnology, commended the Society's remarks to the civil officers of the Central Provinces, and invited them to report upon the several tribes of their districts.

Mr. G. Campbell, in his ethnological paper, divided the aboriginal tribes into two classes:

1. Kolarian, or northern.
2. Dravidian, or southern.

The term Kolarian (derived from the generic word 'kol') is interpreted by Mr. Campbell to include the following tribes: Santals, Kols, Moondahs, Korkoons, Bhils, Bhomiyas, Bhoees, Mairs, Meenas. The Dravidians, or people of Tamil tongue are the Oraons, Gonds, Khonds, and the south peninsula aborigines.

In the classified list of races of men in the Nimar district, the Report<sup>1</sup> describes the Bhils of the plains: '...as robust but of small stature, as a rule. Those residing among the hills are,

<sup>1</sup>Report of the Ethnological Committee on papers laid before them, and upon examination of specimens of aboriginal tribes brought to the Jubblepore Exhibition of 1866-67.

ends in February-March; whereas, the 'kharif' season begins from June-July with the onset of the monsoon and continues till the end of September or the beginning of October. The main 'rabi' crops are wheat, gram and sugar-cane, and the 'kharif' crops are jowar, maize, paddy, pulses, oil-seeds and cotton.

The forests of this area were once very extensive and valuable but indiscriminate and illicit felling has ruined most of them. Teak is the most prevalent species in all the forests of the area. Salai occurs on the bill slopes and other varieties include Dhaora (*Anogeissus latifolia*), Kadad (*Ganga pinnata*), Tendu (*Diospyros tomentosa*), Palas (*Butea frondosa*), Kbair (*Acacia catechu*), Mobini (*Odina woderi*) and bamboo.

Khargone district has valuable teak forests, which are mainly confined to the Vindhya and the Satpura hills. The percentage of teak trees varies from place to place; however, at some places there are pure patches of teak. The mixed forest patches can be spotted all over the area. These mainly occupy areas like hill-tops, upper slopes or black cotton plains. The main associates of teak are saj, seja, dhaora, salai, palas, kullu and anjan.

Bamboo and grass are important forest produce available in the tract. A good quality of fodder-grass is also available, which is exported to the adjoining districts of the State. Salai, is an important soft wood common to the tract. The important minor forest produce are kullu gum, honey, wax, palm, rosha oil and tendu leaves.

In the past, the forests of the area had a rich variety of animals. In the Moghul days, wild elephants abounded in the forests, but these disappeared long ago. In the more recent past, big game like tiger and bison were common, but they too have disappeared. This has been the result of unchecked forest encroachments and indiscriminate hunting. Even then, panther, sambbar, wild boar, chital and deer may still be seen in the deep interior of the forests. Pigeons, bhattiars, blue rock pigeons, whistling teals, peacocks and sand grouse are some of the common birds seen in the forest areas.



The general topography of this area presents some varied features though the area forms a continuous tract consisting of mainly hilly and sterile land. This hilly area has an elevation of between 1000 to 2000 feet. But the Narmada valley area, lying mostly in Khargone district, has an elevation of between 500 to 1000 feet. The greater part of Dhar district lies in the Deccan Trap area. The whole of Jhabua district, known as Rath, lies in the mountainous region of Malwa. Actually, Jhabua and Dhar districts are the main areas of the present study.

The Vindhyan range, lying in the centre of the area, forms the watershed where many smaller rivers flow north and south to join the Chambal and the Narmada. The western parts of Ratlam and Jhabua and the eastern portions of Dhar and Khargone get 80 to 90 cms. of rainfall annually. Most of the remaining areas of the zone have an annual rainfall varying from 70-80 cms., except southern Khargone, where the rainfall is considerably less. The cold season is of short duration. The temperature during the winter varies between  $10^{\circ}\text{C}$  to  $12.5^{\circ}\text{C}$  in larger part of southern Jhabua, Dhar and Khargone. In the remaining areas of these districts and Sailana (Ratlam), it varies between  $7.5^{\circ}\text{C}$  to  $10^{\circ}\text{C}$ . In summers, the temperature in larger parts of the area, except Khargone district, varies between  $37.5^{\circ}\text{C}$  to  $40^{\circ}\text{C}$ . Khargone while the southern portions of Jhabua register  $40^{\circ}\text{C}$  to  $42.5^{\circ}\text{C}$ .

Black soil with clay texture is found in some parts of Jhabua, Dhar and Khargone, whereas the western fringes of Jhabua and Sailana have red soil with a loamy texture. In the Jobat and Alirajpur tahsils of Jhabua, the soils are red and brown. The banks of the river Mahi are fertile, otherwise the whole area is hilly and unfertile. There is a high degree of soil erosion. Soil, in the central and northern tracts of Dhar district, is highly fertile as in the Malwa belt. In the lower tracts, most of the country is covered with forests, and except for the land lying immediately along the river beds, is not of any great agricultural value. The major part of the land lying in the tribal areas of Khargone district consists of rough and hilly tracts which are very poor and not suitable for agriculture.

The pattern of crops is almost the same in the whole area. The 'rabi' and the 'kharif' are the two main agricultural seasons. The 'rabi' season starts from October-November and

3,836,306, which works out to 12.83 per cent. Thus, the Bhils form the second largest group of aboriginals found in India. The Bhil population is spread over the central uplands of the Indian peninsula, the bulk of it being in the regions covered by the forest-clad mountain trinity of the Vindhyas, the Sahyadris and the Satpuras. Out of the four States with the maximum Bhil population, Madhya Pradesh stands first (1,229,930), the next is Gujarat (1,124,282), then Rajasthan (906,705) and the last is Maharashtra (575,022).<sup>29</sup>

Madhya Pradesh, geographically, is the largest State of the country and also has the largest tribal population. Over one-fifth of the total tribal population of the country resides in this State. Out of the 8,387,403 population of scheduled tribes in the State, the Bhils stand second in number with a total population of 1,229,930, i.e., 19.30 per cent.<sup>30</sup>

The western area of the State is predominantly inhabited by the Bhils, Bhilalas, including Patelias, Barelas and other sub-tribes. For the purpose of the present study, only Jhabua, Dhar, Khargone and Ratlam districts of this region have been selected. In order to maintain homogeneity of the area under study, it was necessary to select such districts as have a sizeable population of the Bhils.

#### BHIL POPULATION—ITS PERCENTAGE TO GENERAL AND SCHEDULED TRIBES POPULATION (1971 CENSUS)

<i>Districts</i>	<i>General population</i>	<i>Total sch. tribe population</i>	<i>% of general population</i>	<i>Bhil population</i>	<i>% of sch. tribe population</i>
1	2	3	4	5	6
Jhabua	667,211	565,705	84.71	565,694	99.99
Dhar	842,400	449,770	53.38	449,659	99.98
Khargone	1,284,812	508,247	39.56	501,695	98.71
Ratlam	626,534	79,365	12.67	78,460	98.86

<sup>29</sup>Census of India, 1961.

<sup>30</sup>Census of India, Madhya Pradesh, 1971.

the Korwas, the Majhis, the Oraons and the U.P. Brahmins. In his study, Dr. Majumdar came to the conclusion that the Bhils have longer noses than the pre-Dravidian tribes; because the ratio with regard to this characteristic is very high between the Bhils and the pre-Dravidian tribes, i.e., above 10.0, while it is 3.75 between the Bhils and the Chhatris. The Bhils are significantly different from the high caste people of North India, the Brahmins of the eastern districts of U.P. (and those of the western districts as well) and also from the Chhatris of U.P. who are long-headed and leptorrhine.

While comparing the Bhils and the Korwas of the Kaimur range of U.P., Dr. Majumdar found that of the eleven absolute characters, in only three, viz., bizygomatic breadth, bigonial breadth, and total facial length, do the Bhils show no significant differences. In the remaining eight, the ratio is above six, showing real divergences. Similarly they are also proved different from the Majhis and the Khairwars, two other tribal groups. Dr. Majumdar finally concluded that: 'The more we analyse the data, the more it transpires that the Bhils are racially more distant from the so-called pre-Dravidian groups, while they approach nearer to the higher castes'.<sup>27</sup>

On conducting a similar anthropometric survey of the West Khandesh Bhils, Dr. Majumdar found them to be somatologically different from the Bhils of Panch Mahal. 'It seems', he says, 'Bhil is a generic name given to the various older and simpler peoples of the land by other invading peoples.' The same is true of the Rajputs who do not represent a racially homogeneous type.<sup>28</sup> It appears that the Bhils might have constituted a homogeneous social group in ancient times, but in the course of time they became racially heterogeneous, as a result of the admixture in varying degrees with the tribes and castes surrounding them.

According to the 1961 census, 6.8 per cent of the total Indian population belonged to the scheduled tribes, out of which the total population of Bhils and its affiliate tribes was

<sup>27</sup>Dr. D.N. Majumdar, 'Racial Affinities of the Bhils of Gujarat', *Journal of Gujarat Research Society*, Vol. 6, 1944.

<sup>28</sup>Ibid., p. 11.

The average Bhil is of medium height. Of 86 Bhils measured, only 7 were above 207 cms. in stature, while 27 were below 160 cms. Of them 36% were found to be dolichocephalic, 59.3% mesocephalic, 3.5% brachycephalic and 1.2% hyper-brachycephalic. As for the face, most of them have round or oval faces. The chin is usually round or oval and slightly receding. The forehead is straight or somewhat retreating; super orbital ridges are generally well-developed. As for the nose: 1.2% were leptorrhine, 39.5% mesorrhine, 53.5% platyrrhine and 5.8% hyper-platyrrhine. The nasal root is often depressed. The complexion of the Bhils is of a dark brown colour generally, while black or pale individuals are rare. The eye colour is brown or dark-brown, a few also have light-brown eyes. They have no epicanthic fold. Nobody had wavy or curly hair and most of them had sparse beard and no or little body hair.<sup>25</sup>

In the same year, i.e., 1944, Dr. D.N. Majumdar also measured 187 Bhils of Panch Mahal district of Gujarat State. The mean measurements of the Bhils given by him are shown here:<sup>26</sup>

<i>Characters</i>	<i>Mean Values</i>
Stature	162.67 $\pm$ .499
Maximum head breadth	137.48 $\pm$ .339
Maximum head length	181.87 $\pm$ .430
Bizygomatic breadth	131.32 $\pm$ .335
Nasal length	48.60 $\pm$ .241
Nasal breadth	37.49 $\pm$ .176
Total facial length	112.22 $\pm$ .486
C.I.	75.65 $\pm$ .206
N.I.	77.19 $\pm$ .593
T.F.I.	85.64 $\pm$ .362

Besides this, Dr. Majumdar has worked out the significant ratios for the Bhils of the Panch Mahals and other groups like

<sup>25</sup>Stephen Fuchs, *Census of India, 1941*, Vol XVI, *Holkar State*, Part I, pp. 300-3.

<sup>26</sup>D.N. Majumdar, 'Racial Affinities of the Bhils of Gujarat', *Journal of the Gujarat Research Society*, Vol. 6, No. 4, 1944.

however, very diminutive and miserable in appearance, but active and capable of undergoing great fatigue, often lively in manner, mostly patient, and good tempered, with a disposition towards social enjoyments, which perhaps accounts for their vice of drunkenness. The Bhils although once renowned as thieves, are reputed honest and faithful and in contradiction to the Bhilalas are said to be truthful, but ignorant and superstitious to a degree. Their great vice, and from which all their crimes arise, is drunkenness; they are passionately addicted to liquor, and in all their customs liquor is brought in, and the popular fine in every dispute is more liquor.

'There are several distinct varieties of the Bhil, but they are one race; there is the village, the cultivating, and the wild mountain Bhil. A Bhil will eat the flesh of any animal no matter in what manner it has met its death. He has not the Hindoo prejudice against the flesh of cows or buffaloes, hence the race are held in detestation by the higher castes of Hindoos. The popular tradition as to the origin of the Bhils, is as given in Malcolm's *Central India*. According to it, Mahadeo, when sick and unhappy was one day reclining in a shady forest when a beautiful woman appeared, the first sight of whom effected a complete cure of all his complaints. An intercourse between the god and the strange female was established, the result of which was many children, one of whom, who was from infancy distinguish- ed by his ugliness and vice, slew the favourite bull of Mahadeo, for which crime he was expelled to the mountains and woods, and his descendants have ever since been stigmatised by the name of Bhil—a term that denotes out-caste.

'The religious ceremonies of this race consist of propitiatory offerings and sacrifices to the spirits of the woods and water; and the belief in witchcraft prevails to an extraordinary degree. Polygamy is often common. 'Their headmen are called "Turvees", whom they implicitly obey; the village watchmen generally assume this name, considering their post gives them the rank. They are said to have had a peculiar dialect of their own, but they now know it not.'

In the year 1879, Rev. M.A. Sherring<sup>2</sup> gave a brief account

<sup>2</sup>Rev. M.A. Sherring, *Hindu Tribes and Castes Together with an*

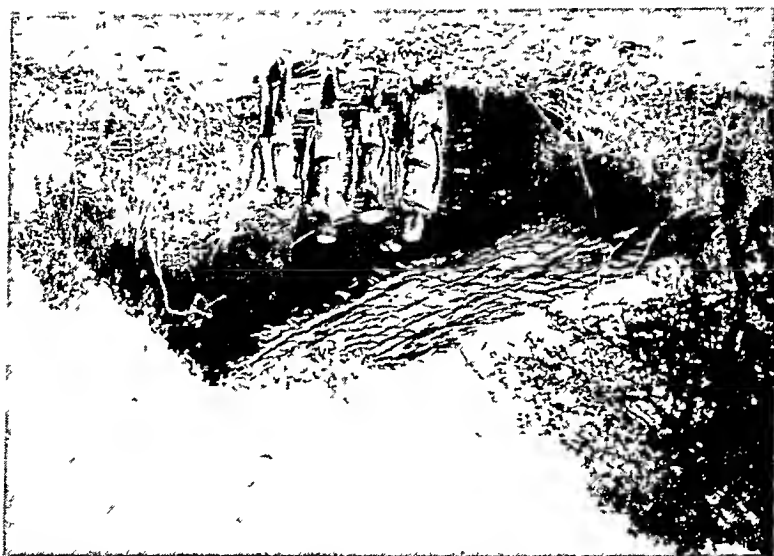
of the Bhil tribes of Khandesh. In his notes he writes:

Whether the Bhils be numbered among the aboriginal tribes of India or not, it is indisputable that they have existed in the country from a remote period. Certainly their habits and characteristics, and the barbarism and lawlessness they maintained for many ages, lead to the supposition that they belong to the original races of the Indian Peninsula, which have never amalgamated with the Hindus, but have always striven to retain their independent and separate national existence. The Bhils are often alluded to by Mahomedan historians of Gujarat and Malwa as a powerful tribe occupying the hills and forests of Mewar and Udaipur under their own chiefs; from which position they were eventually driven out, and gradually found their way into Khandesh and its vicinity, where they are now settled in considerable numbers. The most ancient native records of Khandesh speak of them as a small and scattered people, spread over the northern boundary of that province. They cannot all be regarded, therefore, as indigenous to that part of the country; but many of them, perhaps the larger portion, have probably come from other tracts. Their villages in Khandesh are interspersed among the hilly regions of the Satpura, Vindhya, and Satmulla Ranges, and the jungles on either side of the Mhye, Narbudda, and Taptee rivers. They are chiefly congregated in Bauglan, and in the district to the north and north-west.

Concerning the Bhils of this portion of Khandesh, as they were 35 years ago, Captain Graham, then commanding the Bhil Corps in Khandesh, states that they were not so degraded as those inhabiting other divisions of the country and had been brought more under the influence of civilisation; that they had acquired, to some extent, habits of industry; and that having become possessed of property in land, they began to feel the obligation which such possessions imposed upon them, and were anxious to live in peace with their neighbours. He remarks:

*account of the Mahomedan Tribes of the North-West Frontier and of the Aboriginal Tribes of the Central Provinces, 1879, pp. 291-3.*

BHIL FAMILY



The most restless and troublesome are those dwelling immediately at the foot and amidst the recesses of the surrounding ranges, who, at different periods, have either usurped, or have been entrusted with, all the passes leading into the country, and till lately have held charge of many of the most important fortresses in the plains. Their cave-like habitations formerly crested the top of each isolated hill, where approach from every side was easily defended, or immediately discovered. These hovels, not reared for permanent occupation, but hastily put together, to be crept into for a few months or weeks, were without regret abandoned on any occasion that induced the occupants to shift their quarters. Roving and restless by disposition, and skilful hunters by necessity, the woods and jungles supplied them with roots, berries, and game; a successful foray filled their stores to over-flowing; and as every man's hand was lifted against him, so the measure of wrath was fully returned by the tribe, whose powers of mischief far exceeded those of their oppressors, and whose habits and locations enabled them to bid such a lengthy defiance to so many governments. The more civilised generally apply the term Bhil to all who lead a lawless life, and reside in a remote jungly country; but the name is given to many who do not acknowledge it.<sup>3</sup>

The Bhils are now a mixed people, but the true, or original race, says Captain Rose: 'is easily distinguished by the dark colour, diminutive size, prominent cheek-bones, large nostrils, activity, power of enduring fatigue, and rare qualifications for the chase. The inferiority of stature of the primitive tribes is probably caused by hard and scanty fare'.<sup>4</sup>

Nearly three decades, after the notes published by Rev. Sherring, Mr. R.V. Russell, I.C.S., a noted Ethnologist and administrator of Central Provinces, provided a comparatively

<sup>3</sup>Captain D.C. Graham, Commanding the Bhil Corps in Khandesh, *Sketch of the Bhil Tribes of the Province of Khandesh*, p. 2.

<sup>4</sup>Captain Rose, Commandant of Khandesh Bhil Corps, *Report on the Bhils*, Bombay Government Selections, Vol. X, p. 226.



more illuminating note on the Bhils of Nimar.<sup>5</sup> In his notes he writes:

'The Bhils number 22,000 or 7 per cent of the population, Nimar being the only district in the province where they are found in any strength. At Captain Forsyth's settlement, 40 villages were owned by Bhils, but only three now remain. The Bhils have no language of their own, but speak a still more corrupt form of the local Nimari dialect, which is known after them as Bhili. About 2000 of them are Mohammedans and are known as Tadwi Bhils. Tadwi or Tarvi is said to have been the ancient title of Bhil Chiefs. These are the descendants of Bhils who were converted during Mohammedan rule, or of the children of Bhil women by Mohammedans. The Tadwi Bhils live in Burhanpur tahsil. They are now Mohammedans in name only, and their women especially have returned to the worship of the local village deities. The converted Bhils, Captain Forsyth states, are with few exceptions a miserable lot, idle and thriftless and addicted to opium-eating. The rest of the tribe are called Nimari Bhils and have no connection with the Tadwis. They generally worship the Hindu gods and their customs are like those of low caste Hindus. At their marriages the bride and bridegroom are anointed with turmeric on one Saturday and the wedding takes place on the next Saturday. The bridegroom is seated in a basket and the bride in a winnowing-fan and their hands are joined when the sun is half set. A bride-price of nine to twenty rupees is usually paid, unless the prospective bridegroom does service in lieu of it. Divorce may be effected quite informally without reference to the tribal panchayat, but the man who has taken the divorced wife must pay compensation to her former husband. The tribe bury the dead on their backs with the feet pointing to the north. On returning from the burial every one brings a chapati to the house of the bereaved family. On the third day they place on the grave a thick cake of wheat flour with a little water and some tobacco or any other stimulant to which the dead man was addicted in his life time. On the last day of mourning, a feast is held on the bank of a river or tank

<sup>5</sup>R.V. Russel, I C.S., *Central Provinces District Gazetteers, Nimar district*, Vol. A, 1908, pp. 75-6.



BHIL HOUSE

10. Sakh—silver, worn on neck.
11. Patli—white metal, an armlet worn on upper arm—as many as 15 are sometimes worn.
12. Kada or Jhela—white metal, one on each arm to keep the patli in place.
13. Chudia—white metal, two are worn, one on each wrist.
14. Kakan—brass wristlets, six or seven on each wrist.
15. Lodia—brass, eight worn below the kakans.
16. Kadda—brass, worn one on each wrist.
17. Bitya—copper or bronze, worn on fingers
18. Ghughriyala—copper or brass, worn one on the calf of each leg.
19. Handiya—brass, eight worn on each foot.
20. Kadiya—brass, four worn below the handiya.
21. Paolia—brass, one worn below the kadiya on each foot.
22. Bichhiya—brass or white metal, one on each toe.

'The Bhil male's hair is either partly plaited and fastened with a wooden comb, or is allowed to fall in unkempt masses over his shoulders'.<sup>10</sup> Generally, they shave their beards except the moustaches. The Bhil women are quite fond of doing their hair. They apply oil and occasionally they wash their hair with milk or curd. After washing, they part their hair in the middle. Sometimes they tie the hair at the back in a bun and sometimes they leave the pigtaileds dangling down at the back with a silken tassel to each of them. This lends colour and beauty.

Tattooing is customary among the members of both the sexes and especially among the females. Tattooing is carried out in the weekly market (Hat) and more often when big fairs are held. This operation is generally performed on girls of 10-12, on the cheeks, forehead, arm below the elbows, chin, wrists, and the calf of the leg and feet. Men are tattooed between the ages of 8-9 on the arms, wrists and chests. Men operators tattoo men, women and girls. The object of tattooing is said to be that after death, each individual is asked whether he has been pricked by thorns in the jungle—the presentation of these marks is considered in the affirmative—without this they would have to be pricked with thorns after life. Designs are numerous and are made according to the fancy of the persons tattooed on.

<sup>10</sup>Major Erskine, *Mewar Residency*, Vol. II-A, p. 233.

Tattooing can be done in the village itself with the help of a needle and paste made of black soot and juice of the mahua fruit.

The boys are in the habit of branding burning marks on each other on the back and wrist at five or seven distinct places. This is done with a piece of smouldering cloth or the stick of a matchlock. This custom is called 'dhamla' and appears to have the same object as tattooing. Females are never branded in this way.

A Bhil can ordinarily be distinguished from other Hindus by his shabby head-dress, his long hair hanging to his shoulders, his ragged clothes, his loin-cloth, his ornaments and his sensitive yet unsophisticated eyes.

The skin colour of the Bhils is brown to tanned brown and rarely dark. People of fair colour, especially women are often seen among them. The Bhils have an attractive face; broad massive jaws, broad forehead, fine or leptorrhine nose, a pointed chin and thin lips. Young Bhils generally grow moustaches and shave their beards. Small faces with leptorrhine noses are also common among the Bhils. Sometimes persons with flat noses or prognathous jaws can also be noticed.

Bhil women are fair and gracefully built—they are seldom fat or plump. Graceful in their movements and sweet in their manners, they are a pleasant lot, at work or leisure. It is no wonder that the God Shiva had fallen in love with a Bhil woman. Old women appear haggard and worn-out, with loose skin and bent bodies; but they are kind and ready to help.

Most of the Bhils have a stature ranging from 5 feet 4 inches to 5 feet 6 inches. In general, a Bhil has a fairly developed body. With his straight, slender and lean body, a Bhil presents a good appearance with his proportional limbs and well-developed chest buttocks and calves. He rarely carries weight on his head, but he can easily carry any weight on his back, tying it over his shoulders and crossing at the chest. Women and girls carry bundles of firewood from the jungle on their heads. Generally, arduous work on the hills or in the plains is done by the males. They are excellent climbers and can also easily travel 30-40 miles in a day. They are good labourers also and can work for 10-12 hours at a stretch without much fatigue.



TATOO MARKS ON THE LEGS

Captain Graham says of them :

The Bhils are the most uncivilised of all the wild tribes, with intellect barely sufficient to understand and totally unequal to comprehend anything beyond the most simple communication and with forms stunted by hardships, the bad climate and the bitter poverty in which they are steeped.

The adversities of life have created a very keen sense of possessiveness in the Bhils and they are not prepared to accept even the shadow of a challenge to this possessiveness. This sense of possessiveness, if even slightly challenged, can result in bloodshed.

The Bhil area of the State is subject to recurrent scarcity conditions. Therefore, poverty is widespread among the Bhils. Poverty and low levels of consumption can easily be noticed by any observer who visits the area.

'Rabdi' is a treat for a Bhil. It is a thick gruel of maize flour without milk or sugar, but the way a Bhil eats it shows the satisfaction he derives out of it. The Bhil diet is confined to maize, coarse rice, jowar, groundnut and pulses like 'Urad' and 'Tuar'. Maize in its many forms is the principal cereal. The fresh corns of maize are roasted and eaten as such. The housewives prepare flour from maize almost every day by hand-mill. The food is prepared with this flour as 'Roti', 'Paniya' or 'Rabdi'. Jowar flour is also used in preparing 'Roti' or a thick gruel.

Among the pulses, 'Urad' is more commonly used than 'Tuar'. The 'dal' is boiled in water with a pinch of salt and used. Gram is an occasional substitute for these cereals. Mahua, mangoes, and some jungle fruits like 'ber' and 'gular' are used whenever available.

Milk and milk products are not very uncommon, but their availability depends upon the economic status of the family. Normally, goats and cows are kept by farming households. Milk is ordinarily used after boiling, but sometimes, curd, 'chhach' (butter-milk) and 'ghee' (clarified butter) are also prepared. Milk is also sold, but this is a rare phenomenon and happens only in villages nearer the urban areas.

Basically, a Bhil is non-vegetarian, but he cannot afford meat as a normal diet and mutton and fowls are a luxury. But the

monotonous diet occasionally undergoes a change when marriages are celebrated or deities propitiated with the sacrifice of a fowl or goat. The meat is generally provided out of his home-grown stock and rarely purchased from the market.

Tobacco is in common use and forms an important part of Bhil life. Its offering is symbolic of esteem and regard for the recipient. The 'bidi' is usually smoked by male members. Chewing of tobacco is not very common, smoking being more prevalent, but 'pan' is taken only on ceremonious and festive occasions.

Liquor plays a vital role in the Bhil life, especially during festivals and socio-religious ceremonies. Toddy acts as an intoxicant and is also a vital food item during the leaner days. It is tapped during the spring and summer seasons from the palm trees surrounding the habitations. They are grown and owned by the Bhils and form a precious part of their belongings. Liquor is purchased from the liquor vendors of the area. Sometimes, illicit distillation from mahua flowers for home consumption is also done. At present, the Government has permitted the distillation of liquor at home for personal consumption.

The fairs and festivals are the most important attraction in Bhil life. The main fairs and festivals which are celebrated by the Bhils are given here.

*Wavnl* (sowing): Before sowing is started, the deity of the earth (field) is propitiated. The 'Puja' is performed by fixing a plough in the middle of the field. Vermilion is smeared on the yoke and a coconut is offered and broken. Then liquor is poured on the first furrow in the belief that the deity will be pleased to receive the offerings and that good crops will follow. Both men and women participate in the worship. No specific date is fixed for this ceremony and it is performed before the cultivator begins sowing.

*Divasa*: the festival is celebrated either towards the end of Asadh (July) or in the early days of Shravana (August) when the maize crop is about a foot high. The 'pujari' collects subscriptions from the tribal families either in the form of money or commodities and brings liquor, a goat, milk, rice, a coconut, vermillion, incense and an earthen lamp. The village-folk gather at the place of Badadeo (the deity of the village—Gramdeota) and the 'pujari' cooks a sweet pudding of rice. He worships the deity and the sacrifices are distributed to the participants.

VILLAGE DEITY





Divasa is celebrated in order to please the Gramdeota so that he may protect the village from calamities.

*Nawai* : when the new crops ripen, Nawai is performed. New crops are mixed with the old and the vegetables available at the time are cooked together. Pulses of beans, known locally as 'Chawla', is also cooked. This preparation is offered to the ancestral spirits first. No one can partake of the new crop before 'Nawai'. The cooked food served on two leaf plates and an earthen lamp (of ghee) is placed there. Liquor is also served in the name of the ancestors and having done this, the participants partake of it. 'Nawai' is the day of ancestor worship.

*Diyari* : 'Diyari' is celebrated in the month of Kartik (October-November). On the fourteenth day of the month the tribals cook 'ghat' (maize-mash) and pulse. On the fifteenth day, they prepare sweet dishes of maize flour and light earthen lamps with oil. On the first day of the second fortnight of the same month, a 'ghat' of maize and pulse is cooked. The horns of the bullocks are painted and they are fed with the above mentioned preparations. This is known as 'badi diyari' and is followed by 'chhoti diyari' on a day chosen by the people. For the tribals, 'Diyari' is the day of worship of the bullocks which plough their fields.

*Bhagoria Hat* :<sup>11</sup> Bhagoria hat is one of the main attractions in the lives of the Bhils; it is actually a mass 'swayambara' (wedding) where the young people choose their life partners. Bhagoria hat is the venue of the run away marriages. That is precisely the meaning of the word; Bhagoria means to run away and hat means a market. The Bhagoria hats are held on the market days falling before the 'Holi-festival'. On this hat day, young boys and girls move out of their houses in their best possible attire. They reach the fair hoping to find a suitable match for themselves. In the 'Hat', if a boy is enamoured of a girl, he follows her and applies 'gulal' (red powder) on her face. If the girl returns the compliment, then it signifies that she too likes him and is willing to be his wife. If she does not apply the 'gulal' in return, her unwillingness is indicated. But the boy generally does not get discouraged by such refusals. He goes on following her and tries to apply the 'gulal' as many

<sup>11</sup>Based on a Report in *Census of India*, 1961, Vol. VIII, M.P., Part VIII B, p. 113.

times as he can. He may ultimately succeed. Once the acceptance is signified, they start moving together in the market.

But all the boys are not equally fortunate. There are many who come to the market and try to win the favour of some sweet maiden whom they had never seen before. They try their level best; success may or may not follow, for there may be many more like them who might be interested in the same girl. At such critical moments, the services of middlemen are made use of. These middlemen are known as 'Bhangadyas'. The Bhangadyas assist their clients in making approaches to the girls and may even sing praises of their clients before the youthful blonde.

Once the selection is made and the proposal accepted, there are mainly three ways by which the young couple may be accepted as husband and wife by the society.

After the exchange of 'gula', the boy and girl roam about the hat, eating various delicacies, swinging in the merry-go-round, joking and laughing and when they find themselves away from prying eyes, they slip away. They may pass 2-3 days in the jungle or may go to some relative. After this period, the young man goes home with his lady-love. Then it is the duty of his father or guardian to inform the parents of the girl that their daughter has come to his house. Sometimes, it is the other way round; the parents of the girl come to the house of the young man searching for their daughters. But in either case, there are no bitter feelings and the girl or the boy is not scolded for what he or she has done. The elders sit in a meeting with the tribe's elders and decide about the bride-price to be paid by the boy's father or guardian. Once this is paid, the relationship of a couple is accepted and the boy and girl are granted approval to live as husband and wife.

It may also be that, after meeting her swain and roaming about freely with him in the Bhagoria hat, the girl takes leave of him and goes with her people to her house and the boy returning home discloses his choice to his parents, or the Bhangadya may do this for him. Knowing his son's mind, the boy's father goes to the girl's house and asks her father for her hand. The tribal elders meet and a bride-price is settled. Some amount, say 5 to 10 rupees, is offered as a token present. This is immediately



GIRL IN BHAGORIA HAT

spent on drinks. When the full bride-price has been paid, the girl comes to the house of the boy.

The third course is a little tortuous though somewhat more chivalrous. In the 'Bhagoria hat' the boy casts his eyes on a girl and applies 'gulal' on her face but she does not return the compliment. He does not lose hope, follows her and goes on applying 'gulal', but with no results. He then tries to forcibly take her away with the help of his friends. But the girl is not alone. There may be other suitors or there may be her relations. And then starts the 'fight for the mate'. Bloody quarrels ensue, murders may take place. But it may also happen that the chivalrous boy is successful in carrying away the girl by force. In that case, his parents go to the girl's father, decide about the bride-price and the girl becomes his wife. The amount of bride-price in such cases is, however, higher than in the other two situations.

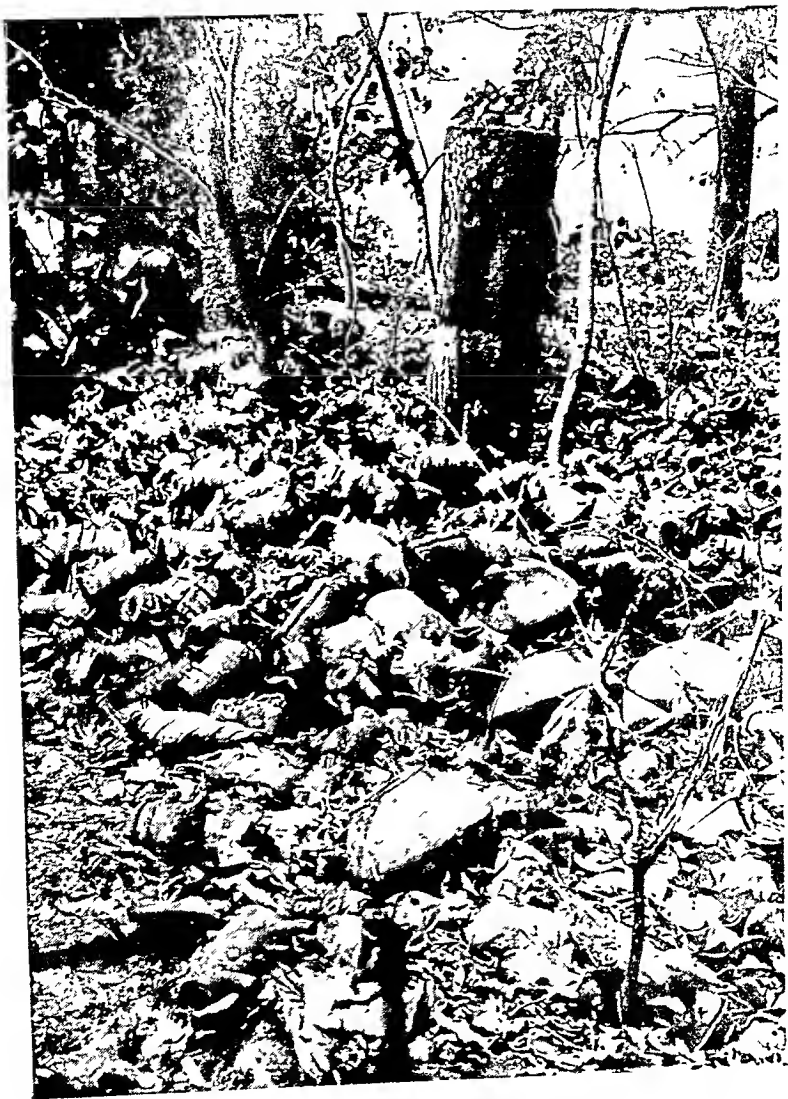
It is not always that the unmarried boys and girls select their own mates in 'the Bhagoria hats' sometimes a married woman also falls for some man in the market and elopes with him. In such cases, the exchange of 'gulal' does not usually take place, because so open an overture is fraught with every possibility of a breach of peace. If a married woman runs away with her lover 'from a Bhagoria hat' her former husband is entitled to a compensation from her new husband.

A 'Bhagoria hat' without liquor is difficult to visualize. A Bhil cannot attend a 'Bhagoria hat' without taking a considerable amount of liquor. Till recently, 'Bhagoria hats' were utilized to settle old scores and the consumption of liquor only aggravated the situation. The usual practice was to convey a challenge to the enemy or adversary to settle the feud in the 'hat'. This invitation was sent through some middlemen and consisted of either an arrow or a piece of new cloth. This having been accepted, both the parties would come prepared and start fighting on the slightest provocation. As a curb on such fights, police do not, as a rule, permit men to go armed to the 'Bhagoria hat'. On all approach roads to the 'hat' policemen set up centres for the collection of arms including bows and arrows and no one is allowed to go armed into the hat. Apart from such unfortunate events, the 'Bhagoria hats' are important fairs for the Bhils, and occasions to which they look forward for the whole year.

Religion and magic form an integral part of the Bhil culture and the superstitions and beliefs are deep-rooted. Everything that happens is by the blessing or curse of some good or evil spirits. They call themselves Hindus, invariably asserting that they are followers of Mahadev. They also revere Ganesh, called 'Sonda-deo' or the god of the trunk, Ramchandra, Bhairon, Hanuman, Chandra, Surya, Prithvi, Sharda (goddess of learning), Kalika-devi and Jam or Yama. Chindi-mata, represented by coloured rags (chindi), is a common deity. Many minor gods are also worshipped, the most important being Kampawara, his wife Kajal, son Balaraja and his brother Kudharana. Kajalrani, as she is called, is supposed to have introduced Dasahra, Divali and Holi. Baba Deo is a generic term for the village tutelary deity. In Shrawan (the month of August) he is specially worshipped. The whole village collects at the post marking his abode and offers liquor, grain, and fowls. As a rule, each village has its own day in Shrawan for the ceremony.

'The belief in magic and witch craft is universal and the Badwa or witch-finder, like the medicine-man of the south-sea islands, is a person of importance. Should any man fall sick for no apparent reason, he is called in to exorcise the evil influences at work and discover the origin of the illness. With care he can usually discover some wretched old beldame who lives in the sick man's village, and falling into a trance describes her accurately to the inquirers. Before such things came to be prevented by the civilised administration, such old women were, as in Europe, submitted to ordeals. The witch was placed on one end of a yoke with cowdung cakes on the other in a pond, if she sank she was a witch, if she swam she was innocent. Red pepper was put into her eyes, if no tears came out she was a witch. Her hand was plunged into boiling oil or placed on a hot iron; and so on.

'As late as 1882 a wave of witch finding came over the Bhils and the Political Agent had to take special measures to cope with it. The Badwa used to get Rs. 10 for each witch detected. The sick man is often subjected to fumigation with the leaves of plants, a charmed thread is tied on his neck, while a special dance in which the gods are invoked, is performed round him. He is then often carried round from village to village. A few grains of "urad" or "jowar" mixed with a copper coin are passed



DEITY CONTROLLING THE LIFE AND HEALTH OF  
THE DOMESTIC ANIMALS

round the sick man's body and then sent to the Badwa. The Badwa then places over them a leaf of the *Butea frondosa* and floats the whole collection on some water. He then picks out the grains and slowly drops them one by one into the water, saying, 'bhut, deo, dakini, (witch),' successively. When a grain floats he is thus able to determine which of these evil influences is at work, by the name which fell to the grain which floated. If it is determined to have been caused by a witch, he then repeats the process calling out the names of all the witches known to him. Should no grain float, the sickness is put down to natural causes. Another process is to take a handful of grain, chips of wood or leaves and throw them away counting each piece of grain as it falls. This process is repeated for every known witch until an odd number falls to one of the names. The name so determined is that of the offender.

'In 1888 a Kachhi called Rata complained that his mother Issa had been, by order of the Rao of Bhatkheri, mounted on a donkey by a scavenger, beaten and turned out of the village as a witch and then been made to drink water offered by a mochi. She was again beaten and finally she died. Her body was burned and the complainant's house broken into and Rs. 2,000 taken away. The complainant was away at the time, and on his return was told to leave the village. An inquiry followed, on which the Rao admitted that Issa had been thus treated because she was a witch, and had caused the death of the wife and son of a rich Bania. Issa was "named" as a witch and driven out of the village. She, however, came back and was seized. It was alleged that on being seized she was said to have asked for a leopard to ride on but as no leopard was forthcoming they put her on the donkey, blackened her face, made her eat from a scavenger's hand and expelled her from the place. The Rao stated that he himself heard her barking like a dog, and saw her making attempts to bite like one, and that after her expulsion she remained outside Bhatkheri for some days barking and flying at passers by like a dog, till she died.'<sup>12</sup>

The services of the 'Brahmin' are never availed of by the Bhils as a link between him and super-natural powers. They have generally three classes of intermediaries. The 'Badwa' has

<sup>12</sup>C.E. Luard, *Jungle Tribes of Malwa*, op. cit., p. 29.

an important place among the intermediaries because of his command over magical formulae and his deep understanding of human psychology, the quality required in healing the patients by means of auto-suggestion or hypnotism. Any tribes-man who possesses these qualities can become a Badwa irrespective of his economic position or antecedents. Since the Badwa commands the other-world, he is dreaded by those who practise magic but is respected by those who go to him for cure. The second intermediary is the 'Pujaro'. He knows a few mantras and charms and is also approached for the treatment of diseases. The main job of a Pujaro is the worship of the pantheon on all auspicious occasions; for rendering this service, he receives some grain at the harvest from each man in the village. He also manages the village fairs where he invokes the gods to attend and guard the village. The third and the last intermediary is the 'Kotwal', who blows the tur or sounds his drum. When anyone in the village dies, he performs the ceremonies for the dead; the most important of them being the offering of the food to the dead. In general, the relations between the Bhil and his priest are very cordial. They call him by some respectable name and he can ask them to do anything. The priest also acts as leader and headman of the community.

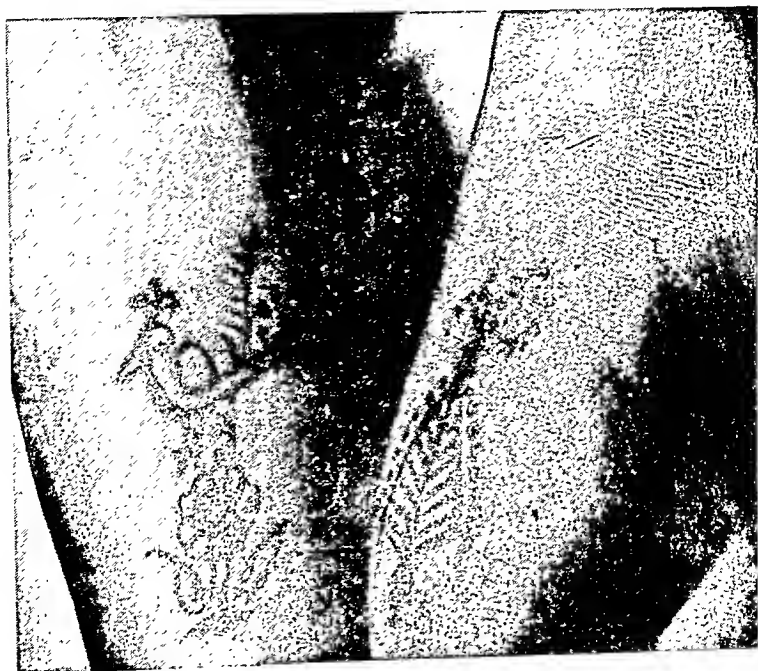
Though the statutory panchayats, known as gram panchayats, have been organised by the Government, the traditional panchayats still exercise effective control over the people. The traditional panchayat consists of the Tadvi or the Patel, the Kotwal, the Mafidar, occasionally the Pujaro and a few elders of the village. Sometimes, the members of the gram panchayat are also invited to the sittings of these panchayats. The meeting of a panchayat is called either at the house of the Tadvi or under some big tree. The day and time are fixed according to the convenience of the panchas and the parties. Liquor is served to the panchas during the deliberations. The panchas may remain in session for hours without arriving at any concrete decision.

With the advent of the new gram panchayat system, the functions of the traditional panchayats are limited to social and religious matters. These panchayats can modify, amend or even introduce customs for ceremonial occasions. In general, the disputes settled by these traditional panchayats consists of: breach





TATOO MARKS ON FACE



TATOO MARKS ON THE FORE ARMS

of promises in marriages, restoration of bride, adultery, family quarrels relating to partition and succession to ancestral property, maintenance of the poor and orphans, disputes relating to certain injuries and breach of village morality. Generally, cases of a pecuniary nature are not dealt with by these panchayats but it has been reported that sometimes even cases relating to homicide are secretly settled by them when the intention is not to refer the matter to the police. But such instances are rare and are possible only if the community is convinced that the crime committed by the culprit was justified and was in the overall interest of the community.

The disputes referred to the panchayats are settled after hearing both the parties and their witnesses, if any. Almost invariably, the punishment is of a fine in cash or a community feast or, in some cases, both. Sometimes, the culprit is excommunicated and his re-entry is possible only after a purificatory rite is performed. Social ties and bonds are so strong among these simple folk that disobedience to a panchayat's decision is rarely heard of.

In almost every community, there are some persons who stand out from the rest; they direct, while others listen, submit and follow. The leaders are of different types and exhibit different traits. There are many qualities, praise-worthy and otherwise, by the possession of which a man may earn for himself a position which commands the respect and obedience of those around him. Wealth, age, intelligence, honesty, kindness, being born in a good family, all these and several other factors make a man important. But all these are rarely possessed by one person and neither are they all essential hall-marks of popularity.<sup>13</sup> The Bhil village community also recognises a few types of leaders. In all cases of dispute and controversy, it is the voice of one of these leaders that prevails. Some of the important leaders in Bhil communities are the Tadvi, the Pujaro and the Kotwal.

The village headman among the Bhils is known as Tadvi or patel. The Tadvi or patel is a hereditary office and for generations it may be held by a particular family. When he dies, his son becomes the headman even though he may be a minor. A

<sup>13</sup>D.N. Majumdar, *Caste and Communication in an Indian Village*, p. 127.

'Tadvi' holds an enviable position in the village. His advice is sought by the villagers in times of need. He can settle the quarrels of the villagers, tame a drunkard or control a stubborn husband. He takes the initiative for appeasing the angry gods who send upon their village small-pox or cattle diseases. In festivals, he holds the key position. It is he who speaks to the Government on behalf of the villagers on all matters of public concern. Thus, his high status enables him to wield great influence over the villagers.

The Pujaro is another pillar of the village socio-religious life. The Pujaro's is not a hereditary office. His services are availed of when some 'puja' has to be offered to the gods, both on auspicious days and at the time of distress. It is only he who knows how to perform the 'puja' and recite the prayers. He is an intermediary between the gods and the Bhils, and as such, is greatly respected by the community. He is also known as an expert medicine-man. For curing ailments, he gives certain roots, leaves or some decoctions. The two offices of religious head and medicine-man combined in one, give a Pujaro an important status in the Bhil community. There is another important intermediary, between the supernatural being and the Bhils, the 'Badwo' or 'Badwa'. He is a treasure-house of Bhil theology and mythology and a witch doctor too. He has already been described earlier.

Being in direct contact with the villagers and the officials, the 'Kotwal' has been enjoying a very important position in the village hierarchy of the Bhils. On certain occasions, he wields even greater influence on the people than the 'Tadvi' but as far as leadership is concerned, the position of the Kotwal is secondary in the village. Now-a-days, he receives a fixed remuneration from the Government also. The office of the Kotwal is also hereditary.

The Bhils know that the productive state in a woman's life starts with menstruation. Prior to that, she is like a field which grows nothing. Menstruation usually starts when a girl attains the age of 14 years. No particular ceremony is performed; nor is the girl required to spend the menstruation period away from the house in any specially built hut. She works normally in the house. She ties a piece of cloth around her vagina so that the menstrual blood may not spoil her clothes. When a girl starts



**WOMAN IN HER BLOOM. YOUTH DOES NOT LAST  
VERY LONG BECAUSE OF STRENUOUS LIFE AND  
LOW-LEVEL OF NOURISHMENT**

her periods, the village people say that she has entered into the phase of 'tying up of the cloth'.

Nothing is more enjoyable to a Bhil man and woman than the act of sexual congress. The woman lies on her back and the man lies upon her. There is not much of love-play and the intercourse starts almost immediately after the man and woman get close to each other. In their youth and particularly during the months when toddy juice is available in plenty, the sexual act is repeated four to five times at night. One sex act does not last longer than five to ten minutes, by which time the stage of sexual satisfaction is reached by both partners. But the frequency becomes less with the advance of age, and after a woman has delivered three to four children, her desire to mate with her husband almost disappears. Also, life in the tribal areas is so hard and food so scarce, that youth in a tribal woman lasts only for about 7 to 8 years; from the age of 15 to the age of 23 or 24. Then there is a sudden and steep decline in her youth. She looks tired and haggard and the lustre of youth disappears from her face.

Cases of impotency do occur, but the Bhils attribute it to the evil influence of some witch. Therefore, a remedy is sought at the hands of the Badwa. Masturbation and homosexuality are not practiced in the Bhil community; the Bhils very vehemently refute the prevalence of these vices among their boys. If a man becomes impotent, his wife either seeks a formal separation or she manages to have sexual intercourse with her husband's brothers or with other men who may be able to satisfy her sexual urges. Such extramarital relations often create problems and sometimes end in homicide.

A Bhil is fully aware of the physiological origin of life. According to him, when the male semen, which is water, meets the female secretion, which is also water, a child is conceived in the womb. They believe that conception starts when menstruation stops; though the foetus is completely human in shape, life enters it only after 3 to 5 months. The foetus starts moving when it gets life. They are also aware that the foetus gets nourishment from the mother through the umbilical cord. That is why they are anxious that the expectant mothers should get nutritious food.

From the fifth month of pregnancy onward, the parents stay

observing certain prenatal precautions for ensuring normal and easy delivery. Cohabitation ceases after the sixth month and is not resumed before the child is three or four months old. The Bhils denounce the offenders in strong terms. Though both the parents are considered equally capable of influencing the child within the womb, a large number of precautions are to be observed by the father rather than the mother. A father is not permitted to cut anything growing, the mother should not eat anything which is jointed like a double banana or some double tuber. Neither of the parents should eat any animal which has died accidentally. None of them should tie a knot, drive a nail or stick a pole into the ground. These are some of the taboos which the Bhil parents normally observe before a child is born. The causes for miscarriage, in their opinion, are the disfavour of the gods or an evil eye; yet they say that if the health of the woman is good, there are few chances of her miscarrying. Though the exact time of the birth of a child cannot be ascertained, they think that a girl is born exactly after nine months and a boy after nine months and nine days from the date of conception.

The preparations for the arrival of the baby are made by the family itself. A room is reserved for the expectant mother and some indigenous medicines are collected beforehand. At the time of delivery, the expectant mother is made to lie on a cot. Generally, some expert old lady is called to act as the midwife and some women of the neighbourhood gather to help her. When the time for the birth of the child approaches, all the male members leave the hut. As soon as the child is born, the umbilical cord is cut with a sharp bamboo chip or an arrow-head and the part attached to the baby's body is tied up. The baby is washed in lukewarm water, wrapped in a piece of cloth and put to the breast of the mother. The placenta is taken in a bamboo basket outside the house and buried in a pit. In some areas, it is buried in the room where the delivery has taken place. Nobody is permitted to look at this. The mother is also given a bath with hot water outside the house, where she goes with a sickle or an arrow or a knife as a security against evil powers. She sleeps on the cot, and her clothes, bedding and utensils are not touched by anybody.

When the child is born, certain offerings of milk and liquor are made to the deities. Then some recognisable marks attributable to any of the dead ancestors are searched for on the body of the newborn, because they believe in the rebirth of the ancestors in the family.

For 5 days after the birth of the child, the mother is kept on a restricted diet, and is not permitted to touch anything of common use or to do any household work. On the fifth day (sometimes on the seventh day), she cleans her room and the house with cow-dung, takes her bath and gives an offering of 'sindur' (red powder) and coconut to the gods. Women from the neighbourhood are called for a liquor party, but the men are excluded. From this day onward, the mother can do all the household work except cooking, which is taboo for a month. In the areas around Alirajpur, the period of taboo is only 3 days. 5 children are invited on this day and given a feast of Khichadi or Rabadi along with a small quantity of liquor. This is known as the ceremony of fifth day. After this, a name is given to the child by some elderly lady. The name of the father or grandfather is never repeated, but the name of the paternal or maternal uncles can be adopted. The child can also be named after the day or the month in which he or she is born. If the children of the parent do not survive, then some uncommon names like Kutru (dog) or Bilado (cat) are usually given to the child.

After about 10-12 months, the child starts taking some solid food. There is no special ceremony for this. During the first year, children are bathed regularly in the morning, but as they grow and start moving outside the house, this becomes irregular, so much so that some grown-up children do not have a bath at all, unless forced to by their parents. After attaining the age of a year or so, the child starts sharing the bed with its elder siblings or grandparents. Until the age of 4 or 5, they usually do not wear clothes. When a Bhil child is among familiar people he plays and laughs, but he tries to avoid strangers. After the age of 4 or 5, boys begin to put on a loin-cloth and the girls, a piece of cloth round their waist up to the knees.

Another phase of the socialisation process of the Bhil child begins from this age. He is taught to respect the elders, to behave appropriately with the different members of the family

and to understand things using his own experience. In a nutshell, his moral education begins by perception, reward and punishment from this age.

As the child grows a little more, his professional education also begins. Boys are taught how to make ropes, how to give fodder and water to the bullocks and cows and how to tie or untie the bullock from their posts. While the girls stay with their mothers in the house and learn the essentials of cooking and other household jobs, the boys generally learn more of physical skills such as to judge distances, straight throws, to estimate distances for jumping and diving, climb trees especially palm trees, and balance on narrow and precarious footholds and to shoot with arrows. The boys and girls learn a good many of games and dances either by participating or imitating the elders.

The economy of a Bhil family, to some extent, depends on its children. From about the age of 6 to 8 years, the children of Bhil families start assisting and accompanying their elders in all kind of chores. Children, both male and female, go to the jungle to graze cattle and return at noon. When the children are not watching cattle, they do some household work such as preparing cattle feed, removing dung and cleaning the cattle sheds, and carrying firewood from the forest. Young girls fetch water from the streams and rivulets and help in the husking and pounding of grains. An idle child is always rebuked, whereas active children are praised and looked after well.

When a Bhil child is no longer a lad, he enters a world entirely different from that in which he had lived so far. They form groups of their own and prefer mostly to move among their group-mates. Generally, at the age of 14 or 15, the Bhil boys become sex-conscious. They try to enhance their personal adornment, they do their hair nicely, their clothes are cleaner, eyes brighten at the sight of a young girl and at times they get involved in some sexual intrigues also. Girls also become conscious of their physical developments and general appearance. This is the time when Bhil boys and girls get married. Their parents want it, they also want it, and therefore, preparations for marriage start in the family.

The Bhil tribe being an endogamous group, no Bhil can marry outside it. No member of a sept can marry another



bride's father then selects an auspicious day and gives his daughter a silver 'tagli' or necklace and a gold nose-ring as the marks of an affianced bride. The girl never appears personally during this ceremony. After the settlement of the bride-price, the marriage day is selected by the elders of the village who name an auspicious date. No Brahmans are employed for fixing this date.

On the following day, some rice coloured with turmeric is given to a man, who goes around and leaves it on the thresholds of all those who are invited to the wedding. The recipients entertain the messenger according to their means. This is the ceremony of 'notra', or invitation. 9 days before the actual wedding, the 'bana' is held. On the first day, some turmeric tied up in variously coloured cords, called 'lachha' or 'mada', is fastened to the point of an arrow and sent to the bride's home by the bridegroom. On arrival of the bearer of 'mada', the bride's people receive him and place before him a lamp with ghee in it and a dish containing powdered turmeric and 'kunku', which is afterwards waved round his head, called 'uvalana', the ceremony being termed 'wadhavana' or reception. The number of strings tied on the arrow indicate to the bride's party how many days are to elapse before the day fixed for the 'bana' procession.

On the first day of the 'bana', the relations of the bride and bridegroom anoint them with turmeric (pithi ceremony) and at the same time dip their hands in the solution and mark each other with the impress of their palms. Only women are supposed to be so marked, but by way of a joke men are also made to go through this ritual. When this part of the ceremony is complete, the bridegroom appears from his house, carefully dressed in 'dhoti', 'angarkha', 'pichhori', and 'pagri', and wearing shoes, with a 'rumal' in his hand, and his eye-lids blackened with 'kajal'. In his hand he carries a sword.

A feast is given, the standing dish being ghugri, consisting of boiled wheat, gram or maize with arvi (*colocasia antiquorum*), but without salt, capsicum or other spices; balls of barley flour and 'gur' are also eaten, and much liquor is drunk. At the end of the feast, the bride and bridegroom and all the men present remain seated, while the women sing standing accompanied by musicians playing on the dholki (small drum) and cymbals. Men also play on antiyas, or sticks. This 'bana' ceremony is repeated

on the third, fifth, seventh, or ninth day, but never on the even numbers. The feast is given on the first day only. The whole ceremony has to be performed at the houses of both the bride and bridegroom.

The wedding ceremonies may be conveniently divided into 8 sections, the raising of the 'mandapa', the 'notra' or gifts by near relations, the departure of the bridegroom for the bride's village, the wedding ceremony proper, the 'daicha' ceremony, the worship of the 'ukedi', the departure of the 'barat', and the 'ana' ceremony or return of the bride to her parent's house.

The mandapa or marriage canopy is made of four poles of salar (*boswelia serrata*) roofed in with smaller poles and covered with leaves of jamun (*engenia jambolana*) and asapala (*jonesia asoka*). A mandapa is erected at the house of both parties. The difference in the two cases, however, lies in the planting of the chauri, (a peg of green salar wood one cubit long) which is driven into the ground in the centre of the mandapa at the bride's house just before the arrival of the bridegroom's party. The notra or bestowal of gifts by the invited guests in the presence of the bridegroom, seated in the mandapa is next performed. A lighted lamp is placed in front of him and beside it a dish. All the relatives of the parties and the guests put into it such a sum as their means will permit. The bridegroom's sisters place a silver kada (ring) in it as their offering. A feast then takes place. On the day of the wedding, a 'mod' is tied on the bridegroom's forehead, and one is also taken for presentation to the bride. The bridegroom and his party then proceed to the boundary of the bride's village, where they halt. The mediators (*bhanjgadiyas*) are then sent on to summon the bride's father with his party. On his arrival, the ceremony of 'laj-bhag' is carried out. This consists in the payment of certain fees and dues, which vary in amount according to the circumstances of the people concerned. Any balance due on the bride-price is also settled at this time. The bride's father, on the conclusion of this ceremony, provides the assembly with a feast. This consists of rabadi or hoiled maize, and a goat, as well as liquor. It should be noted that this is the first occasion on which a goat is provided during the marriage ceremony. If more wine than 1 rupee's worth is required, the bridegroom's father gives it. This feast is called 'got'.



WEDDING DANCES

The bridegroom, having completed these preliminaries, crosses the boundary of his bride's village and approaches her house. Here he first touches the marriage 'toran' or arch set up over the doorway, with the point of his sword, and pays a due to the village Kotwal or watchman, a ceremony called 'toran-chhabai-hat' or the due for touching the arch. The bridegroom goes up to the mandapa. Here he is opposed by the bride's brother who obstructs his entrance by interposing his foot. The bridegroom then pays him some money called Hala Katari Lag. The bridegroom then enters the mandapa and sits down. The husband of the bride's sister, or of her paternal aunt, then brings the girl to the mandapa carrying her on his hip. The bride has her hair loose and wears a white bodice, 'orhni', red petticoat and the silver tagli and nose-ring which were presented to her originally, as well as any other ornaments she may possess. A single knot is now between the bridegroom's 'rumal' and the girl's 'orhni', a ceremony known as 'chheda gathan'.

The bride's paternal aunt's husband now approaches and places a mango leaf, folded like a bidi, containing some coloured rice and a small coin on the top of the chauri peg, another similar packet being handed to the girl, who is conjured in a loud voice, 'Catch and hold this firmly'. This folded leaf and its contents are called the 'lagan'. The bridegroom, with the bride on his left, sits down with the chauri before them facing east. One of the bride's relatives then covers both with his pichodi, and says to the groom, 'Seize the lagan'. The bridegroom then attempts to wrest the folded leaf from the bride. When he has obtained it, the groom followed by the bride goes around the 'chauri' 4 times. The position is then reversed. The groom follows the bride round the chauri 3 times making a total of 7. This is called 'lagan phirna' or 'phera phirna'.

On the completion of this, the bride's father presents the newly-married couple with milch animals according to his means, a she-buffalo, or cow being usually given. The bride's relations also make similar gifts. Worship of the 'ukedi' is the last ceremony of the wedding. It consists in searching for certain articles which have been previously buried in the 'ukedi', or rubbish heap of the house. The articles previously concealed, without the knowledge of the bride or bridegroom, are contained in a small basket called a 'tujli' which is tied to an arrow

shaft (without the barb) called 'khadi'. The basket contains yellow-coloured rice and a coin rolled up in a piece of cloth. As soon as the circumambulation is over, the newly-married couple approach the 'ukedi' heap and search it with one hand for the 'tujli'. The finder is supposed to have the upper hand in future and is much applauded. When the 'tujli' has been found, the Tadvi of the bride's village cries with a loud voice: 'Now that you have received 'dahej' and 'dapa' the girl is placed in your keeping (khole me dete hain, i.e., placed in your khola or garment). Should she turn out to be a bad character, inform us. Should you kill her, remember that her people will take vengeance on you, but if she dies a natural death you have not to fear.' The 'Tadvis' of the bridegroom and bride's village then exchange 'chaks'.

The bride's brother-in-law or her paternal aunt's husband (phuwa) now approaches and loosens the knot (chheda gathan). The marriage procession then goes beyond the village boundary. Here, the bridegroom halts while his wife is taken home and has her hair dressed by her mother, being afterwards brought back to her husband by her brothers or other relatives. The couple then goes to the husband's house accompanied by singing, dancing, and general rejoicing; 3 or 4 days after the departure for the husband's home, the wife returns and visits her parents. An auspicious day is selected for this.

The payment of a bride-price by means of personal service is also permitted in the Bhil community. Where the girl's father is well-to-do, the would-be son-in-law undertakes to serve a term for his future father-in-law. This is commonest where the girl has no brothers to assist the father in his work. The usual term of service is 3 to 7 years. Ordinarily, the boy and the girl live as man and wife but they cannot leave the bride's home until the period of service is complete. If the two live amicably, but after 2 years have no issue, the father-in-law has them anointed with 'pithi' as if for a regular wedding and they are made to circumambulate the 'chauri'.

After the term is over, or this ceremony has been gone through, the father-in-law provides the young couple with means to start their own home. If the son-in-law does not complete his contract but absconds with the girl, then the father-in-law can recover that portion of the bride-price and 'dapa'

which is judged due by a panchayat.

Marriage by capture or 'Rakshasi wivaha', also called 'ghiskarlejana' is still common. The usual time for abducting a girl is during the 'Bhagoria' festival, the day before the Holi is burnt. The young man, assisted by his friends enters the village and makes off with the girl. The father can claim the payment of 'dahej' and 'dapa', the amount being settled by the panchayat. Occasionally, the 'pithi' ceremony and circumambulation are carried out as in the case of a 'ghar-jamai' marriage.

A girl often falls in love and then goes off with the man of her choice. 'Dahej' is paid, as in the last case and a short marriage ceremony is performed as in the case of 'ghar-jamai'.

The remarriage of a widow is permitted. When the consent of the lady is known, the suitor goes to her village with some clothes as presents. He is accompanied by 4 or 5 friends. He pays some money to the widow's brother's wife (bhabhi) or to her paternal aunt (phuwa), provided they have husbands living. Alcoholic drink is then served. The Tadvi of the widow's village takes part in the drink party and the ceremony is complete. This remarriage is always done by night. The widow never enters her new home by day, as this will, it is believed, result in famine. Any person who accompanies the man marrying a widow is bound to carry out this duty 7 times. The 'dahej' payable by the man is a little less than that prescribed for a normal wedding. The widow's father is not required to incur any expenditure. The 'dahej' is paid on the day when the marriage ceremony actually takes place. A payment called 'dewar bhatta' has to be made to the widow's late husband's relatives if the man married is of another sept than of her late husband. It amounts to a few hundred rupees and a bullock is also given if the financial means permit. Should the widow again remarry, no payment of any kind is made. The widow, and children by the remarriage, have no interest in the property of the first husband after remarriage. In a case where she marries her deceased husband's younger brother, should there be already a son by the first husband, the children by the second have no right to the property of the first husband. If, on the other hand, there was no child by the first husband,

the children of the second inherit the property of the first husband.

To effect a divorce, the man calls together his village panchayat and in their presence tears off a piece from the end of his 'pagri' (turban) which he hands over to his wife, stating that finding that her conduct was bad he is divorcing her and that from this day forth she will be a sister to him. The divorcee takes the piece of cloth and hangs it carefully on a rafter of her father's house for a whole month. This shows that her former husband has no further rights over her and that she can remarry. In the case of remarriage, no fees are payable to the former husband but the father receives fees similar to those paid on a widow's remarriage. The marriage is of the 'natra' form. Marriage cannot be performed again with the divorced husband.

Adultery, though not disregarded by public opinion, is always remediable by a suitable fine. This is paid to the aggrieved husband and liquor is also drunk. The woman continues to live with her husband. This presupposes the man to be of the same sept; if he is of a lower caste, she is *ipso facto* outcast, but no fine is levied. The Bhils are very suspicious of their women folk and not without reason, as the majority of the criminal cases concern their women. This is given as a reason for not building their huts close together.<sup>14</sup>

On the occurrence of death,<sup>15</sup> notice is given by firing off guns before the deceased's house, while the village 'dholi' sounds his drum. The beard and hair are shaved off the corpse in the case of a man; in the case of a woman, the hair is dressed as in life. The corpse is bathed in cold water brought in a new earthen vessel. The corpse is then dressed; in the case of a female in a petticoat (ghagra), 'jugra', and 'kachli'. Where the corpse is that of an unmarried adult, some turmeric is thrown on the dress. A little bread is made of freshly-ground flour, care being taken that the hand in grinding always moves from left to right. This is then mixed with 'ghee' and 'gur' and made into a ball which is tied up in a corner of the corpse's

<sup>14</sup>Based on a note on 'Bhil Marriage' by C.E. Luard, *Jungle Tribes of Malwa*, *op. cit.*, pp. 18-25.

<sup>15</sup>*Ibid.*, pp. 30-3.



FUNERAL PROCESSION



garment. The ball is called 'hamla'. A bier (mala or tikli) is then prepared, and covered with grass (darbha, if procurable) and two coconuts are hung at the head. The corpse is placed on it with the face upwards and covered with a cloth. If the corpse is not that of a 'Tadvi' or his wife, some coins are placed upon it as the price of the plot on which the cremation takes place. This payment is called 'bhoya bhada'. The eldest son or a near relative, if there is no son, takes an ignited cake of cowdung in his hand and the corpse is carried to the cremation ground, the man with the ignited cake leading the way. The corpse is always carried so as to lie north-south, the feet pointing to the south. Guns are fired as the procession proceeds, and the drums are sounded. The flooring of the deceased's house is meanwhile cleaned with fresh cow-dung. Milk is sprinkled and a small lamp is placed upon the spot where the man died, covered with a bamboo basket. This lamp is called 'diwania'.

On coming to a 'ber' tree (*Zizyphus jujuba*), the corpse is set down, while all the persons present proceed to take up stones with which a heap is made. A picce of cloth is then torn off the dead man's garment and thrown over the tree. The corpse is picked up again, those formerly at the head going towards the feet. Tradition has it that the rest under the 'ber' tree is made for the following reason. Once the son of an aged dame died. The old woman carried his corpse as far as a 'ber' tree but could go no further. She then decided to appeal to the gods by fasting, for the restoration of her son's life, and sat for three days fasting beneath the tree. It was not the fruit season, but seeing her piteous condition the gods gave the tree fruit, and also caused hunger to attack her. She could bear her pain no longer and rose to seize the fruit. Suddenly the tree grew and raised the fruit beyond her reach. At length, she propped the corpse against the tree and standing upon it, reached the fruit. She had broken her vow, and the village people took away and cremated the corpse. To avert any such evil, each corpse is now halted under a 'ber' tree, and a piece of the garment is offered to the gods. The earthen vessel in which the water to wash the corpse is carried is also broken under this tree on the heap of stones. If the deceased is a man, his widow is taken to the tree and her ornaments are taken off there.

The corpse is put down near a stream or tank while the pyre (hola or chita) is being made. The fire-carrier meanwhile bathes and sprinkles water on the corpse. The body is then placed on the pyre with its head to the north, and burnt together with the man's bow and club and, in the case of a woman, with some favourite ornament. The face is uncovered before the fire is applied. Every person present puts a piece of sandalwood on the chest of the corpse. The pyre is ignited by the fire-carrier, who approaches it backwards so as not to see the pyre, holding his hands behind him. When alight, all retire and sit down to watch. When all is over, the mourners bathe and then go back to the deceased's house. Here, liquor is produced for all but only the men drink it. Food is then given to everybody, to the men by the male and to the women by the female relatives.

The 'tiya' or the third day and 'nukta' or the twelfth day ceremonies are then arranged in accordance with the means of the family. The 'nukta' ceremony is postponed if the family is very poor. The man (or men) who ignited the pyre then remove the basket from over the lamp, see if it is burning well and then replace the cover. Some 'darbha' grass is scattered round it.

The unconsumed bones are carefully collected from the pyre, and separated from the ashes. The bones are placed in an earthen vessel and buried near the house until the 'nukta' ceremony is performed. When this takes place, the bones are dug out and thrown into the nearest river, usually the Narmada. The bones must always be thrown into a river before the 'nukta' ceremony is gone through.

The ashes are thrown into water on the third day. After this, the flour around the lamp is examined and, by the shape of the marks, a guess is hazarded about the form which the spirit of the dead will next take. If it is like a human footprint, the form will be that of a man, if it is like a hoof, the next life will be that of a horned animal, if it resembles a bird's foot, it will be a bird, if its shape is like that of a scorpion or a snake, then the next life would be that of one of these creatures. The lamp and basket are now thrown away and the spot is cleaned by applying cow-dung.

The spirit of the deceased is offered food and drink on the third day, the provisions being placed under the 'ber'



MEMORIAL TO THE DEAD MAN

tree where the corpse rested. The stones heaped up there are scattered. Those performing this ceremony are then feasted at the deceased's house. It is not considered ill for a mourner to touch any person or thing, but no religious observance other than that of mourning may be performed. On the eleventh day, a small 'mandap' is set up near the house. The relatives who ignited the pyre put on a 'janeo' of kachha thread, and proceed to put a ball (pindi) of boiled rice without salt under the 'mandap'. On the thirteenth day, the family members shave their heads (ghati ceremony) and faces, if the death was of an adult man or boy. On the fourteenth day, the 'rawals' come to the house and sing the praises of the deceased. A fast (nukta) is given on the fifteenth day and the 'rawals' are rewarded. The gifts given to the 'rawals' are important as they determine the future comfort of the deceased. Jamraj (Yama) comes from the south and carries the soul of the dead man to the north. On the way, the soul passes over a thorn-strewn plain, hence shoes must be included in the 'rawals' gifts or the deceased's spirit suffers severely; he then passes between two heated pillars and the 'rawals' gift, therefore, includes cloth given in the name of the 'navagraha', which protects him from the heat; the spirit then encounters a 'bhatyari', who offers him hot cooked food, should not dish be included in the gift to the 'rawals', the food is placed in his hands and unable to bear the heat he lets it fall and continues his journey hungry; he then reaches a river, here if a cow was given to the 'rawals', this animal providentially appears and by holding on to its tail he gets across, otherwise he suffers agonies and is half-drowned. On reaching the end of his journey, 'Jamraj' determines which of the three hells (lit, kunds or tanks) he is to enter, one being full of nectar, the others of varying degrees of foulness (worms, blood, etc). until he is born again.

If a child dies before teething, or a man is an ascetic, he is buried with his face upwards. When any one dies of small-pox, he is buried until the small-pox leaves the village when the corpse is disinterred and burnt. Cremation 'ghats' are situated anywhere near a stream. Mourning always lasts for 3 days even with the poorest, but not often longer owing to its costliness. Only those of the village attend and mourn. A relative in another village does not mourn. 'Shradha' is unknown, no

special ceremonies being carried out on anniversaries. A single general ceremony is, however, observed on the 'diwali' succeeding the death. On this day, the man who performed the rites takes some rice boiled without salt and goes with some friends to the nearest stream. He then places four small lamps fed with ghee on the ground previously sprinkled with the rice. From this day, the eyes of the dead are supposed to be open—before that they remain closed.

Those who die a violent death become inimical spirits (bhut), so do 'Badwas' or 'medicine-men', others become 'khatris', who, however, cannot harm human beings but only animals. Memorials are erected in all cases where the death is caused by murder or is the outcome of some unnatural event. These memorials are known as 'ghatas' and are made of stones or wood. The memorials are erected both for men and women. The memorials erected for women are locally known as 'sati'.

Tribal custom determines inheritance.<sup>16</sup> Of the property, half goes to the youngest son, who is responsible for the payment of all expenses incurred on his father's 'nukta' (the feast given after his death usually on the twelfth day after). He has also to make provisions for his sisters. The other half is divided between the elder sons. If they all live together, a very rare occurrence, they share equally in the property. In the case of the deceased being a 'Tadvi' or headman, his position is assumed, not necessarily by the eldest son, but by the most fit, who is chosen by the panchas. He then becomes entitled to the usual rights pertaining to the position as well as its responsibilities. In the case of a 'Tadvi' dying childless, his successor is chosen from within the family.

A widow is the mistress of her late husband's property for life, provided she conducts herself properly. It is not uncommon, however, to divide the property in order to prevent disagreeable quarrels. A daughter can under no circumstances inherit her father's property. Only those who are 'sagotra' (of the dead man's sept) can inherit. If there are no heirs, the 'panchas' consider the case, and if no relatives are traceable, the property goes to the community.

<sup>16</sup>*Ibid.*, p. 26.



MEMORIAL TO THE DEAD WOMAN

## Some other Facets of Tribal Life

There was a time when the tribals were classified among the birds and beasts of Hindustan. It is perhaps known to very few that some time in the late nineteenth century, the tribals were classified as *Bunmanus* (anthropoid ape). The following is an excerpt from the Report of the Ethnological Committee on papers laid before them and upon examination of specimens of aboriginal tribes brought to the Jubblepore Exhibition of 1866-67.

Turning to the Ayeen Akbaree (Gladwin's translation), we find that after mentioning the various dialects of Hindustan, the author ends thus: 'To which may be added the jargon of the *Bunmanus* or the wild men of the world'. We should have conjectured that these *Bunmanus* were the aboriginal tribes, but in the next section we find them classified under 'Birds and Beasts of Hindustan' with the following description:

"The *Bunmanus* is an animal of the monkey kind. His face has a near resemblance to the human; he has no tail and walks erect. The skin of his body is black and slightly covered with hair. One of these animals was brought to His Majesty from Bengal. His actions were very astonishing."

In 1866, an exhibition was held in Jubblepore (then in the Central Provinces and Berar and now an important city of Madhya Pradesh) when several men, perhaps couples, belonging to aboriginal tribes were exhibited to the people. Although

it has not been possible to get anything in writing to substantiate this, it is said that these couples were kept in cages so that the Ethnological Committee, then formed, and the public in general, could view the aboriginals without any fear of attack upon themselves. Interest in the study of the tribals was aroused because in 1866 the Asiatic Society of Bengal circulated a memorandum describing the kind of information which the ethnologists desired to obtain regarding the aboriginal tribes of India. At the same time, the Hon'ble George Campbell's summary of the existing information on Indian ethnology was issued with the Society's journal. Thereupon, the following action was taken.

Sir Richard Temple, who had himself devoted some attention to ethnology, recommended the Society's remarks to the civil officers of the Central Provinces and invited them to report upon the tribes of their districts. This invitation was responded to and a number of reports, more or less complete, were drawn up. Then, at the Jubblepore Exhibition of 1866, the opportunity was taken to examine the physical conformation of representative men of several aboriginal tribes.

The Deputy Commissioners of the districts, then included in the Central Provinces, sent their respective write-ups on the tribal communities inhabiting their districts. Those notes were incorporated into the Report of the Ethnological Committee and make a very interesting reading. It is indeed praiseworthy that the Deputy Commissioners could collect fairly detailed information regarding the tribals; perhaps that was the beginning of the interest which has since come to be focussed on the tribal communities. The reports of the Deputy Commissioners comprised these headings: name of race, habitation of the race, language, physical conformation of the selected specimen, manners and customs. Some Deputy Commissioners also furnished a vocabulary of words used by the 'wild tribes' and also their English equivalents.

The report of the Ethnological Committee will soon become unavailable; even now, only 1 or 2 copies are available and since the report makes very interesting reading and provides an insight into the thinking of the Government at that time about the tribal communities, it may be worthwhile reproducing here some of the relevant extracts from the Committee's report:



‘We have confined our analysis entirely to the various curious tribes in this country which are usually called aborigines, their original seat being at any rate unknown and which are supposed to be different in language, customs, and physical formation, from the great mass of the people of India. The Central Provinces from their geographical position still more from their natural features, form exactly the tract in which one would expect to find waifs and relics of the aboriginal tribes. It is like a thick bit of cover in the middle of open country, when plains all round have been swept by hunters or cleared by colonists, you are sure to find in such a thicket all the wild animals that have not been exterminated. In the present instance, the cover has never yet been properly beaten. Sir Erskine Perry, in a paper on the distribution of the language of India cites a hypothesis that there was originally one simple homogeneous dialect spoken by the aborigines, from the Himalaya to Cape Comorin, of which Tamil is the cultivated representative. He classified Gondi as Tamiloid but he had no information about the language used by the Bhils and Kols and he appended a map of India, coloured so as to show the geographical distribution of languages, in which “Gondwana” appears as a white blank space.

‘The Nimar report contains no new facts about the Bhils, whom we presume to have been definitely assigned to the Kolarians, their manners and customs are well known and have been several times recorded. The Nimar report states that their peculiar dialect has died out in that district. It is also said that their most solemn oath is to swear by the cat. The Bhilahahs are descendants of Bhils who have intermixed with Hindoo tribes.

‘It is very doubtful to us whether any safe generalisation can be made from the collection of manners and customs. It had been suggested that the worship of the dead relatives belonged to the Kolarians, the supposed immigrants from the north-east, but it seems certain that all the wild tribes of Central India worship relatives immediately after death; and moreover, traces of this superstition may be found all the world over. Herodotus and Homer could be quoted to show the antiquity of the custom. Most of the tribals burn as well as bury their dead; they cannot be divided like more civilised nations into those

that burn and those that bury. Burial is probably the more ancient custom here as elsewhere, that aborigines of north-east Bengal are usually said to bury - and it may fairly be conjectured that the practice of burning is entirely borrowed from the Aryan Hindus. Most of the tribes raise memorials to their dead—a pure Turanian feature.

‘Marriage customs and ceremonies exist in infinite varieties all the world over, and the practice of pretending to abduct the bride, which is universal among these tribes is probably known widely among all such societies. The serving a fixed period for a bride is curious, it prevails among the Koch and Bodo people of the north-east hills (Hodgson) and is easily intelligible among very poor races where women are at a premium. From the social systems of these tribes, it must be ranked very low. We cannot ascertain that any of the tribes within these Provinces have a recognized head like the Chief of the North American Indian Tribe. From this general remark the Bhils perhaps should be excepted.’

AS a general statement, it can perhaps be said that in the overall context, the tribal communities represent a high degree of cohesion, discipline and truthfulness. This is how it should be in any closely-knit and homogeneous group of human beings tracing their origin to the same ancestors. Living in the same area, facing the same challenges and realising that their very existence depends on remaining together, all these factors naturally condition attitudes, reaction and even reflexes towards the external world. This unity and cohesion, however, undergoes some change as the dispersal of population takes place and the contact-points with the other communities increase. Here again there is a full scale of different situations. On one extreme are the communities which have remained insulated, isolated and unspoilt by outside contamination, and at the other end of the scale are the tribal communities, who have more or less lost their identity and have merged into the general social milieu. It, therefore, follows that the degree of cohesion undergoes change with the degree of the mixing of the tribal communities with the

other people and alongside this cohesion, the attitude towards crime also undergoes a change.

‘Immemorial traditions in regard to social relation, religion and group action, fear of the supernatural and the disciplining by the community’s organisations and an inborn instinct to keep within the four corners of the limits prescribed by the society—all these factors are conducive to the maintenance of law and order.’

‘It is, however, open to debate whether these fetters are accepted by all the tribals ‘as a matter of course and whether there is never any attempt to breakaway from them’. Is it not contrary to human nature to accept any constraint as a matter of course, and does man, whether civilised or savage, ever carry out unpleasant, burdensome, cruel regulations and taboos without being compelled? And compelled by some forces or motive which he cannot resist? Dr. Lowie of the United States of America writes: ‘Generally speaking, the unwritten laws of the customary usage are obeyed far more willingly than our written codes or rather they are obeyed spontaneously’. It is a matter of common knowledge that no society can work in an efficient manner unless laws are obeyed willingly and spontaneously. The threat of coercion and the fear of punishment do not touch the average man, whether savage or civilised, while on the other hand, they are indispensable with regard to certain turbulent or criminal elements in either society. Again, there are a number of laws, taboos and obligations in every human culture which weigh heavily on every citizen, demand great self-sacrifice and are obeyed for moral, sentimental or matter-of-fact reasons, but without any spontaneity. The extreme difficulty of the problem lies in the very complex and diffused nature of the forces which constitute primitive law. Accustomed as we are to look for a definite machinery for the enactment, administration and enforcement of law, we cast round for something analogous in a savage community and failing to find there any similar arrangements, we conclude that all law is obeyed by this mysterious propensity of the savage to obey it.’

An important manifestation of the tribal cohesiveness is the creation and functioning of the tribal panchayats, which seem to settle almost all disputes—social, religious, civil and criminal. These panchayats have the requisite authority and the sanction

to demand acquiescence by all concerned. A large number of intra-community disputes are referred to and settled by the panchayats, which include men whose eminent position in the community is universally acknowledged. This is hardly any occasion to take a decision by the majority vote and matters are usually settled by continuing the deliberations until a consensus is reached. The parties to the dispute are usually required to meet the expenses of the deliberations and, therefore, there is an eagerness on both the sides not to prolong the process of discussion. In the old days, even homicide cases were settled by these panchayats; the punishment usually awarded was in the nature of a monetary fine, transfer of cattle and a feast to the community. The economic condition of the tribals being very unsatisfactory, they sometime found the decisions of panchayats rather crippling. It is, therefore, not correct to assume that a homicide got away lightly when the matters were deliberated upon by the tribal panchayats; on the contrary, the economic burden of the penalty awarded by the panchayats was felt more irksome than undergoing a jail sentence or even going to the gallows. It is learnt that even now, quite a few cases of homicide are not being reported to the police and are being settled by the tribal panchayats. This is, of course, possible only where the place of the occurrence of the crime is deep in the interior and is inaccessible and when the concerned village or group of villages are inhabited by a single tribe. Then alone is it possible to prevent the news from reaching the police. It is also a necessary ingredient of such a situation that the homicide is intra-tribal and that the tribal panchayat enjoys the full confidence of the community to adjudicate upon such matters. In regard to the crimes of lesser magnitude, the prevalent practice is to settle them at the local level, unless the dispute involves different groups or communities and the village has more or less assumed a non-tribal character and there is no adjudication agency whose decision would be acceptable to and binding on the individuals or groups connected directly or indirectly with the dispute.

Discipline is the hallmark of the primitive societies. This trait is inculcated from childhood and remains a part of every man and woman till death. The beauty of the phenomenon is that discipline is instilled without anyone getting a feeling of its being imposed. From the very beginning, there are some



**BASTER MURIA WITH KANWAR  
ACROSS HIS SHOULDER**

do's and don't's which the child has to follow. He sees his parents submitting to the customs, traditions and taboos and starts imbibing that spirit in the same way as he learns to speak, walk and run. As the child attains boyhood, he has to participate in certain games which are governed by long-established practices and regulations. The games of king and queen are played and proper regard has to be paid to the boys and girls assuming these roles. Then there are the usual dances, the beating of the drum, the playing of the flute and the singing of songs. These traditions have come down from almost prehistoric times and this is evidenced by the dance scenes painted on the rock-shelters. Group dancing not only satisfies the aesthetic urges of a man but also disciplines him with regard to the habit of harmonious group action. And this training is of immense help in facing a common enemy and in organising community hunting, which is particularly popular among the Bison-horn Marias of Bastar. It is through this kind of group activity that a man learns his role in relationship to the group as a whole and even the weak among the group get a feeling of strength stemming from group solidarity. It makes a man of even a cowardly person and in a group frenzy, he will even face a charging animal and will not desert the role assigned to him by the group-leader.

The influence of the institution of 'ghotul' or the village dormitory on the life-style of the Murias of Bastar district as compared to that of the Bison-horn Marias has been commented upon by Verrier Elwin. He writes:

The Muria differ from the Maria in the quite extraordinary absence of jealousy among them, in their lack of attachment to property and personal possessions, in their very strong civic and social instincts, in their gentleness and kindness. I believe that this difference is largely due to the existence among the Muria of the 'ghotul', in which the boys and girls of the tribe grow up from childhood under a high degree of discipline and are trained in the tribal virtues. A system of what is practically pre-nuptial communism teaches them from an early age the impropriety of jealousy. The habit of sharing everything all through childhood and youth in the dormitory weakens their individualistic attachment to person<sub>a1</sub>

property. The result is that several of the main causes of murder only lightly press upon them. The Maria, compared to their northern neighbours, grow up passionate and jealous, strongly attached to individual goods, indisciplined and revengeful.

Finally, about truthfulness it can safely be asserted that truth is not so much of a casualty among the tribal communities as among the others. It is a matter of common knowledge that in the early part of the twentieth century, a tribal, after committing homicide, would himself report the incident to the police station and also carry with him, on a 'kanwar', the body of the person whom he had fatally assaulted. Cases are also known when the tribal accused, facing a charge of murder, has refused to listen to the advice of the lawyer (provided by the Government to defend the pauper accused) and has admitted his guilt to the trying magistrate or the Sessions Judge. Of late, this attitude has undergone a change on account of the influence of the lawyers and others, who prevail upon the tribal to deny his guilt with a view to escaping the punishment. Human nature being what it is, no one wants to put his neck voluntarily into the noose, if, first, there are precedents of persons going scot-free on the basis of the lies spoken by them, and second, if there is a fair chance of escape by not telling the truth. A tribal would hardly ever tell lies in his own village or the panchayat, but there is no such compunction if the forum of adjudication is removed far away from the village. Very soon he gets to know that decisions in the court are taken on the basis of the evidence as is placed and brought before them and not always on the actual facts of the case.

J. Forsyth records in his famous book, *The Highlands of Central India*, that: 'the aborigine is the most truthful of beings and rarely denies either a money obligation or a crime really chargeable against him'. Colonel Tickell has admired their love for truth, their honesty, their obliging willingness and their happy ingenuous disposition and has wished to see them remain lawless rather than be brought under the British Courts of Justice which might end in destroying their virtues. Missionary Endle observes about the Kachari:



WAR DANCE, MEN ARE CARRYING SWORDS,  
BOWS AND ARROWS AND OTHER WEAPONS



It is pleasing to be able to say that among them are to be found many simple virtues of great pride, honesty, truthfulness, straightforwardness and a general trustworthiness deserving of all honour.

Colonel Ward describes the Baiga in 1870: 'as wild as the forest they live in. They are independent, high spirited, very well behaved, ready to oblige and deserving every consideration for their orderly manner of life'. R.H. Campbell writes that: 'the Agency hillmen are the most honest and law abiding people, and are singularly truthful. In the Gudeme Hills, there are practically no police stations. Theft and robberies are unknown and the only crime ever committed is an occasional murder induced by jealousy'. 'The Bhils', says C.S. Venkatachar, 'are truthful unless spoilt by being "civilized".'

**I**F a tribal were to be asked what he would beseech God to give him, his first choice would be alcohol. If he was given the option of a second wish, he would indicate his strong preference for woman. And his third predilection would be for meat. Obviously, alcohol holds the greatest charm for the tribals. It is this wonder-liquid which is used on all occasions and ceremonies right from the birth of a child to the death of an old man. It is this which is an inalienable part of tribal life. In fact, it is difficult to imagine how his life can be sustained without alcohol. The gods, Mother Earth, the spirits of ancestors and even ghosts, are propitiated with alcohol. It is a drink which heightens the pleasure of friendship, old or new. It assuages feelings that have been hurt. Enmity gets dissolved in it and life seems to offer a new vista of amity and comradeship. It is an elixir which makes woman look like fairies and fills a man with new courage and daring. It is also the cause of many tragedies among friends and families.

There are interesting stories of how this wonderful liquid came into the possession of man. The oft-quoted folk-tale among

\*This section has excerpts from Verrier Elwin's *Maria Murder and Suicide*; and *Myths of Middle India*.

the tribals is that their chief deity Bhimsen once invited the gods and goddesses for a grand feast and made elaborate arrangements. The gods and goddesses turned up for the feast in large numbers because the tribal deity Bhimsen was quite popular. The feast continued for the whole day. The menu served by Bhimsen consisted of rice, pulses and vegetables but no liquor. All the same, the invitees ate, sang and danced the whole day and night. The time for departing came at dawn before the cock crowed. Bhimsen, as a solicitous host, was keen to know the reaction of his esteemed guests towards his feast. Instead of making direct enquiries, he hid himself behind a tree, which stood alongside the footpath which the invitees were to use for their return journey. He heard this comment of the god Mahadev: 'The food was excellent but why on earth Bhimsen did not serve liquor. How can there be fun without a drink?' Hearing this, Bhimsen felt greatly dejected, but he was helpless because he did not know anything about liquor except that it was being consumed in heaven by the gods and goddesses. He was also not aware of any creature on earth conversant with the art of making liquor. There was a general belief that the gods were keen on confining the knowledge of making liquor to themselves so that no man on earth may ever experience the ecstasy of inebriation.

Many months passed and Bhimsen continued his wanderings from one forest to another in search of the art of making liquor. One day in the month of April, he felt very tired and settled down for an afternoon nap under a 'mahua' tree (*Bassia latifolia*). He tried hard but could not sleep because a large number of birds were chattering and chirping incessantly. Bhimsen's curiosity was aroused as to the cause of this unusual behaviour of the birds. There seemed no end to their merrymaking and to their singing and flitting about. Bhimsen spotted an elderly looking bird and asked him: 'What's all this about?' He replied that all the birds in that forest had been invited for a feast and had been served with good 'mand' (liquor). Then Bhimsen saw that the birds were drinking some liquid collected in a big hollow of the tree. On a closer examination, he found that the liquid was nothing else but water into which mahua flowers had fallen. Bhimsen dipped his fingers into the liquid and tasted it. The aroma was excellent and the taste delicious. He dipped his fingers many



LOCAL DISTILLATION OF 'MAHUA' LIQUOR'

more times and it was not long before he himself started dancing and singing. That was his first acquaintance with liquor and his first taste of intoxication.

Bhimsen once again invited the gods and the goddesses. He exuded confidence since he had the magic key in his hands. Not only did he serve liquor but also the meat of wild boar and deer, on the hunting of which Bhimsen had spent full 7 days. It was indeed a grand feast. The gods and goddesses did not know when to stop eating and drinking and there was no end to their merrymaking. That was the beginning of the use of alcohol on earth.

'The recipe for rice-beer was given to the Maria Gonds of Bastar by the Supreme Being for no other purpose apparently but to cheer them up. The origin of the sago and toddy juice is that long ago there was a Maria called Iro Kawachi, who had two beautiful daughters, Ilo and Palo. He made a seat of 'mahua' wood and covered it with the skins of lice. He proclaimed that anyone who could first lift it up and put it where he could bathe upon it, and who could say what kind of wood it was made of, and what skin covered it, would get his daughters. All the boys of the neighbourhood came to try but no one could say what the seat was and no one could lift it up. At last came a lame boy called Mad Moda from the Irma Raj with an open sore upon his leg. He too was unable to guess what the seat was made of until a fly came and said: 'Let me sit on your sore and eat it and then I will tell you what the wood is'. The boy let the fly settle upon him and after it had taken its fill, it told him that the seat was of 'mahua' wood and covered with the skins of lice. Then the boy was able to lift up the seat and put it where Iro Kawachi could bathe.

'Now Mad Moda was lame and ugly and covered with hideous sores. When the two girls Ilo and Palo saw him, they ran away in terror, but the boy went stumbling along after them and dropped his bell-stick. He went on and on and at last caught the girls by the strings with which they tied their hair in a bun. He pulled the cloth off their shoulders and tore out some of their hair. Then he threw them down in the bed of the Indaltom river and enjoyed them. Afterwards, the river divided and flowed onwards in two streams. The boy's bell-stick turned into a toddy tree; the strings from the girls' hair became sago palms; the hair

itself grew as a date palm; the clothes became the broad-leaved plantain tree. Because on that day the girls' cloth fell from their shoulders, they now do not cover their breasts.

According to another version, the Pen Kainas came down to bathe in the Godavari river; they came singing to eat 'jamun' fruit or they came simply to dance. They sang: 'Whoever can tell what our names are, we will go with him.' When the village boys found they could not tell their names they got angry and tried to catch them. As the girls ran away, their bell-sticks fell and became toddy trees. The boys threw their sticks at them and these became sago palms. As the girls ran away, the 'kardan'-belts round their waists broke and turned into the date palm. The knots on these belts are its fruit. The god cut off the testicles of the boys and stuck them on to the end of the dancing-sticks and these became toddy fruit. That is why, the Maria say, their women beat the sticks so vigorously as they dance. This version of the story is from Bara Harmanuda. In Palnar the situation is reversed. When the boys began to flirt with the girls, the girls beat them with their bell-sticks and it is the boys who ran away. Here they add that the toddy trees said: 'We won't stay here,' and went down below the hills. But the sago palms remained on the Dantewara plateau.'

The Bhil legend has it that on a day in the summer months, Rama was resting under a tree and Sita was fanning him with a small twig containing some leaves. Rama went to sleep but Sita kept on fanning him lest his sleep should be disturbed by heat. Sita thought of creating a tree which would provide a better kind of fan. She was herself perspiring profusely because the day was very warm and she was also undergoing the exertion of fanning Ram. Her perspiration fell on the ground and provided water to the earth, and from that place sprang a palm tree. When Rama got up, Sita with great pride showed the tree to Rama and jokingly challenged Rama to perform some such miracle. The next day was again a warm day and Rama perspired profusely. Where the perspiration fell, the ground became wet and on that spot grew a toddy tree. Compared to the palm tree, it was much bigger but was not as good to look at as the palm tree. This is how the palm and the toddy trees came to grow on the earth. The Bhils prefer toddy to the liquor prepared from the palm tree. According to them, the latter does not

provide intoxication of longer duration and it also causes headache and bodyache, but the toddy-juice has none of these drawbacks.

‘Another story is told in the neighbourhood of Bailadila. Long ago, a group of Maria were hunting on the Bailadila hills. They grew very thirsty and went searching for water. A rat had nibbled at the peduncle of a sago palm and a jungle cock had scratched a hole in the ground at its foot. The juice dropped into this hole and filled it. When the hunters came to the place, they found a hole full of refreshing juice and drank it and thus learnt to tap the tree.

‘Once, when Mahaprabhu and his wife were wandering through the jungle, Mahaprabhu collected some ‘mahua’ flowers and put them in a hollow bamboo tube. He hung this tube from the branch of a tree and went away, intending to return for it later. But rain fell heavily and he forgot about it. Some of the rain went into the tube and the flowers fermented of their own accord. Presently, the 7 brothers passed by in search of game. One of them spotted the bamboo tube. He tasted the liquid and soon he was very drunk. Then they all drank and thus learnt how to make the ‘mahua’ spirit.’

‘Hemar Kalar and Hemar Kalarin lived in a village. Once Bara Deo went there at midnight and demanded from them a bottle of fully distilled liquor. ‘If you do not give it to me, I will kill your five sons,’ threatened Bara Deo. Hemar Kalarin was frightened and said: ‘We have never heard of this liquor and we do not know how to make it.’ Bara Deo said: ‘Do as I tell you. In Kundalgarh, there is a ‘mahua’ tree, bring flowers from there, put them to cook in a new pot with water for 7 days and 7 nights. Then take them out and put them in a still. For the still you must cut off your own head and use it as a pot. Your arms will be the tubes and will fit into your eye sockets. Your husband will place your head full of ‘mahua’ on a hearth, which he will make out of your vagina and your legs and bones will be burnt for firewood. Do this, or I will take your five sons.’

‘Hemar Kalar did accordingly and prepared a bottle of fully distilled liquor. Then came Bara Deo: ‘Where is your wife,’ he asked. ‘Sir, she is dead for I killed her to make the still.’ Bara Deo said: ‘Do not be troubled, your wife will live. But give me

a bottle of liquor.' He drank the whole bottle at a draught. Then he restored Kalarin to life and said to her and her husband: 'Give a bottle of this for every field and the villagers will bring you grain in return. In your shop there must be no distinction of tribe or caste. The gods, the devils, low caste and high must be able to drink there. And always give three drops to the ground in my name before you drink.'

'Another story says that the 'mahua' tree grew at a place when a Brahmin, his dog, a tiger and jackal were burnt. So when a man drinks 'mahua spirit', he first speaks learnedly like a Brahmin, when he has taken a little more, he becomes a tiger, he quarrels and pulls his moustache. Next he becomes a jackal and shouts loudly. And at last like a dog, he tries to bite the neighbours, barks abuses at them and finally goes off to sleep.'

Dalton says that of all trees, there is none that has a greater claim on the gratitude of the aboriginal than the 'mahua' and even the missionary Bodding writes: 'It is a tree of the greatest importance to the people.' The use of 'mahua' as the basis of country liquor is by no means the most important thing about it. More important than any other tree to the Chenchu, says Furer Haimendorf, is the 'mahua': 'whose sweet corollae provide him for weeks with an excellent food, rich in sugar and vitamins'. Mahua is not only of the primary economic importance but it is also a sacred tree and the liquor distilled from its flowers is an important part of almost every tribal ritual. Liquor is offered at every ceremony and in the name of every god.

The making of rice-beer is mainly practised among the Bisonhorn Marias and not among the other tribes inhabiting Madhya Pradesh. This is indeed a curious phenomenon and it is difficult to understand why the other tribes have not taken to the preparation and consumption of rice-beer. Its preparation is by no means difficult and it is said that a seer of rice-beer provides the same intoxication as a bottle of distilled liquor at 70° U.P. The inebriation resulting from rice-beer lasts longer and it does not have the bad effects of distilled alcohol. Rice-beer also provides *nutrition and enzymes helpful to the human system*. Since rice-beer is made at home and is, therefore, cheaper, the usual practice among the Marias is to drink rice-beer first in large quantities and then to follow it up by small quantities of 'mahua' spirit. Very soon, the Maria gets the desired kick and



PREPARING TO CLIMB A TODDY TREE



this arrangement represents the optimum utilisation of the resources available to him. In the Bhil territory, the use of rice-beer is not known and the two drinks commonly used are 'mahua' spirit and sago and toddy juice. A large number of 'mahua', sago and toddy trees dot the Bhil territory and they are very carefully and jealously guarded and preserved. These are also the places of many homicides.

There is an established ritual for making rice-beer. The main ingredients are rice, kosra (*panicum miliaceum*), mandia (*eleusine coracana*) and water. The mandia is pounded, soaked in water and put in a basket covered with a leaf. It takes 3 to 4 days for the grain to sprout. It is then washed and dried on ground. Separately, kosra and rice are mixed and powdered and a paste is made by pouring hot water into the mixed flour. This paste is then given steam treatment. A layer of mandia flour is spread in an earthen pot, small balls of steamed rice and kosra mixture are made and placed over this layer of mandia flour. Again, a second layer of mandia flour is put, followed by a second row of rice-kosra balls. In this manner, several layers are put and then the pot is filled with water in such a way that the paste and the balls do not get disturbed. The mouth of the earthen pot is then closed with leaves. The contents start fermenting; the evidence is provided by the bubbling of carbon dioxide through the liquid. Gradually, the balls of rice-kosra also break up, more so when the liquid is taken out or poured out of the pot for consumption.

There are many rules and superstitions about the use of sago and toddy juice. Women are not supposed to drink the juice of a tree which has been tapped for the first time. The tree is climbed using a long bamboo pole which is fastened to the top of the tree. The side-shoots of the bamboo serve as the steps of a ladder. The climber makes use of these steps to reach the top of the tree where the fruits grow. This is done for that part of the tree-trunk which is thick and is much too broad for being held by the climber's hands. Generally, the toddy-tapper climbs up the tree along its trunk just as a monkey does. The climber ties round his waist a rope which also encircles the tree-trunk. Another piece of rope is tied around his feet—this gives his feet a hold on the tree. The climber pushes himself up by jerking upwards with his feet. He carries with him a sickle and a pot, which are tied to his waist so that his hands are free to hold

the tree. On reaching the top of the tree, he assumes a sitting posture with the help of the rope which goes around his waist and the tree-trunk. After collecting the liquid into the pot carried by him, he climbs down by reversing the movements of ascent. Sometimes, a tribal is tempted to have a little drink while he is on top of the tree and cases are known of the climber dropping intoxicated to earth because of the loss of balance and the slackening of his hold on to the tree. Another story current is that after the climber has taken a few gulps of toddy, he starts feeling rather fine. The cool breeze at the tree-top level enhances this feeling. A state of hallucination soon possesses him and, as he casts his eye on the neighbouring trees, he imagines them as being within the reach of his arms. He is naturally tempted to take out some juice out of the pots or the bamboo containers tied to the other trees. The final outcome is not difficult to guess. As the man tries to reach for the other tree, he loses his hold on the tree on which he is then sitting and drops to the ground.



USING BAMBOO POLE AS A STEP LADDER

## View on Crime in the Tribal Setting

There are all kinds of notions about the attitude of the aboriginal tribes towards crime. Some seem to think that the tribals are generally cruel and barbarous and do not tolerate outsiders and that even among themselves they fight all the time. Some tribals are associated with head-hunting and it is said that they are always on the lookout for a suitable opportunity to add one more trophy to the necklace of skulls which they possess and flaunt very proudly as a proof of their chivalry. Primitiveness is associated with 'absurd, cruel and eccentric customs, with quaint superstitions, revolting practices, sexual licence, infanticide, head-hunting, couvade, cannibalism and what not'.

At the other end of the spectrum is the view that the tribals are almost sub-human in their understanding of men and matters and that they are lifeless, immobile and impervious to any kind of stimulus. Many regard the tribals as objects of curiosity and as museum pieces. Some prefer to assign them a place somewhere between the animals and the civilised human being. Some have pity for their inferior existence; some refer to them with ridicule and some even go to the extent of suggesting that the tribals should be wiped out altogether so that the bounties of

†This chapter has excerpts from Verrill Elwin's *Maria, Murder and Suicide*, B. Malinowski's *Crime and Custom in Savage Society*, Laubscher's *Sex, Custom and Psychopathology* E. Westermarck's *Methods in Social Anthropology*, and *The Census of India*, 1931.

Mother Earth may not be wasted on them. But, fortunately, there are also many who are kind to the tribals and whose conscience reminds them of the injustices done to the tribals over the centuries. As with many other things in life, both the extreme views are erroneous and the truth lies somewhere towards the middle of the spectrum. It can, however, be said without much fear of contradiction that the tribal's attitude towards crime differs from tribe to tribe and from place to place. This is also true of the human society in general. Further, in the same tribal community, the attitude towards crime, the propensity and the forbearance, differ from family to family and in the same family, from one individual to the other. However, in a study of this kind, the analysis and assessment need to be made on a macro-basis and not at the micro-level.

One cannot but agree that the tribal and the non-tribal societies are vastly different in culture, beliefs, social values and customs. Unfortunately, owing to many practical limitations, the governmental machinery presupposes the society as a homogeneous unit and does not create institutions, rules and regulations on a differential basis. The concept of crime and punishment, law and justice and the machinery for its enforcement emerges out of trial and error in conformity to the requirements of the cultural ethos of the people. When social scientists study the culture of any people, they study institutions like family, marriage, ritual and belief, law and justice and man's behaviour in an institutionalised form. All the institutions and traits of a culture are functionally integrated. The structure and functioning of a group survives as long as it maintains an equilibrium. From the most primitive to the most advanced societies, a common basic structure is necessary for its survival and agencies of social control for enforcement of law and justice are a must for every society. For the advanced groups in many countries, it has been recognised that they should have different sets of personal laws. But a similar approach has not been adopted for the tribal societies. The reasons for such a situation may be many; the most commonly advanced being the attitude of the erstwhile colonial rulers towards the tribal communities. These rulers evidently did not wish to create too many problems for themselves, nor did they desire

to promulgate in the country of their subjugation innumerable sets of rules, regulations and laws. Further, the attention of the colonial rulers naturally came to be directed to those ethnic, social or cultural groups as were more vocal in their demands and protests, and those communities which did not actually create, or threaten to pose, problems for the rulers, did not attract much notice.

The different tribal groups have distinctly different codes of behaviour and different ways of social control. But all seem to have an elaborate panchayat system which, in many ways, seems more dynamic and effective as compared to the normal legal system. The panchayat leadership is generally not fixed. For most of the cases, the village headman is the leader, but in any dispute pertaining to matters of religion, witchcraft, breach of any taboo and so on, the village priest or the witch-doctor takes the lead. Also, decisions are never arrived at by a majority vote, but have to be unanimous. Punishment is in accordance with the socio-economic background of the offender. Primitive law does not recognise the difference between crime and tort; all wrongs are generally against the society. A study of the crime and punishment aspect of the primitive societies shows that it has a direct bearing on the value-system prevailing among them. Many sociologists and anthropologists have clearly brought into focus the inappropriateness of the general laws for judging the crimes of the tribal societies. Studies on the Tembu tribe reveal that they are not bloodthirsty by nature, but that their aggressive instincts or pugnacious propensities are easily roused and are explosive and the intellectual mechanism of foresight, judgment and self-control are readily submerged by instinctive impulse. In such societies, can we so forcibly apply our norms of provocation to determine premeditation? Mr. Grigson has quoted instances of murders among the Marias which remain unreported and cause a lot of difficulty in investigation, because, such murders according to the tribal values were justified.

Marriage by elopement and abduction among the Bhils has been described elsewhere in this book. It is obvious that if the law of the land is applied, it will conflict with the social customs of the Bhils and cause them considerable hardship. It is debatable whether our laws regarding elopements, which reflect our

social values and attitudes, should be applied to these societies. Perhaps, a greater understanding of these societies on a sociological plane is necessary if the enforcement of the law in these areas is to be harmonious and socially beneficial. Another striking example which illustrates a similar situation is provided by the custom known as 'Ritlaha' followed by the Santhals. Whenever a Santhal commits an offence, other Santhals go in a group to the house of the offender and show their annoyance and dislike by shouting and using threatening language and gestures and urinating near the house of the offender. The whole idea behind the 'Ritlaha' is only to express annoyance and not to indulge in any kind of violence. However, if our punitive laws with an emphasis on the rights of individuals are strictly enforced, the tribals indulging in 'Ritlaha', which is an innocent practice, can result in confrontation and might lead to law and order problems.

It is wholly incorrect to postulate that lawlessness is the characteristic of primitive life. In the study of primitive law, there is 'the gradual but definite recognition that savagery is not ruled by moods, passions and accidents but by tradition and order. Anthropology is still almost exclusively studied in its singular and sensational manipulations, in cases of blood-curdling crime, followed by tribal vendetta, in accounts of criminal sorcery with retaliation, of incest, adultery, breach of taboo or murder. In all this, besides the dramatic piquancy of the incidents, the anthropologist can, or thinks he can, trace certain unexpected, exotic, astonishing features of primitive law; a transcending solidarity of the kindred group, excluding all sense of self-interest; a legal and economic communism; a submission to a rigid, undifferentiated tribal law—contrary to most established views on civil law—or its savage equivalent is extremely well developed, and it rules all aspects of social organisation. It is clearly distinguishable, and distinguished by the natives, from other types of norms, whether morals or manners, rules of art or commands of religion. The rules of their law, far from being rigid, absolute or issued in the divine name, are maintained by social forces, understood as rational and necessary,

elastic and capable of adjustment. Far also from being exclusively a group affair, his rights and his duties are in the main the concern of the individual, who knows perfectly well how to look after his interests and realizes that he has to redeem his obligations. We found indeed that the native's attitude towards duty and privilege is very much the same as in a civilized community—to the extent in fact that he not only stretches but also at times breaks the law.

'The law functions only very imperfectly and there are many hitches and break-down. Social relations are governed by a number of principles, which govern succession to rank, power and dignities, economic inheritance, the right to soil and to local citizenship and membership in the totemic clan. The system is based on mythology, on the native theory of procreation, on certain of their magico-religious belief and it pervades all institutions and customs of the tribe. The constitution of a village community, the position of the headman in his village and of the chief in his clan, the privileges and duties of the public magician—all these are independent systems. Since primitive law is not perfect, the problem emerges: how does this composite body of systems behave under the strain of circumstances; when there is a departure from traditions, taboos and the accepted norm of behaviour and the society's equilibrium is disturbed.'

In almost all the tribal communities, marriage within a clan is totally prohibited. This means that a boy or girl has to choose a partner from an outside clan. Any breach of this tradition is supposed to be attended by disease, a failure of crops, loss of children and other unforeseen calamities. Therefore, the whole tribal community feels greatly disturbed if any attempt is made to even flirt with a boy or girl belonging to the same clan; obviously, there is considerable opposition to any move towards the consummation of marriage. 'The law of exogamy, the prohibition of marriage and intercourse within the clan is often quoted as one of the most rigid commandments of primitive law, in that it forbids sexual relations within the clan with the same stringency, regardless of the degree of kinship between the two people concerned. The unity of the clan and the



reality of the classificatory system of relationship are—it is urged—most fully indicated in the taboo of clan incest. It lumps together all the men and all the women of the clan as “brothers” and “sisters” to each other and debars them absolutely from sexual intimacy. Incest with a sister is, to the natives, an unspeakable, almost unthinkable crime.’

Malinowski records the following incident among the tribals of Trobriands (Africa).

‘One day an outbreak of wailing and a great commotion told me that a death had occurred somewhere in the neighbourhood. I was informed that Kima, a young lad of my acquaintance, of sixteen or so, had fallen from a coconut palm and killed himself. I hastened to the next village where this had occurred, only to find the whole mortuary proceedings in progress. This was my first case of death, mourning, and burial, so that in my concern with the ethnographical aspects of the ceremonial, I forgot the circumstances of the tragedy even though one or two singular facts occurred at the same time in the village which should have aroused my suspicions. I found that another youth had been severely wounded by some mysterious coincidence. And at the funeral there was obviously a general feeling of hostility between the village where the boy died and that into which his body was carried for burial. Only much later was I able to discover the real meaning of these events: the boy had committed suicide. The truth was that he had broken the rules of exogamy, the partner in his crime being his maternal cousin, the daughter of his mother’s sister. This had been known and generally disapproved of, but nothing was done to marry her and one who felt personally injured, took the initiative. This rival threatened first to use black magic against the guilty youth, but this had not much effect. Then one evening he insulted the culprit in public—accusing him in the hearing of the whole community of incest and hurling at him certain expressions intolerable to a native. Next morning he put on festive attire and ornamentation, climbed a coconut palm and addressed the community, speaking from among the palm

leaves and bidding them farewell. He explained the reasons for his desperate deed and also launched forth a veiled accusation against the man who had driven him to his death, upon which it became the duty of his clansmen to avenge him. Then he wailed aloud, as is the custom, jumped from a palm tree some sixty feet high and was killed on the spot. There followed a fight within the village in which the rival was wounded; and the quarrel was repeated during the funeral.

‘The exogamous prohibition was evidently very strong and its breach aroused horror among the tribals of supernatural punishment. They believed that they would face some calamity following on clan incest. This explains the strong public reaction and consequently the tragic course adopted by the youth of committing suicide, which again was an act of expiation and challenge.’

Sorcery and witchcraft practised among the tribal community have very often been the source of many crimes. The sorcerer is a dreaded person and the victim, sometimes alone and sometimes assisted by his family and the whole village or community, has often tried to eliminate the sorcerer. There is a well laid down procedure, described by Verrier Elwin, of acquiring the power of witchcraft among the Maria tribe of Bastar. June is the appropriate month to start the ritual. The young disciples must go to the jungle and set up a small stone pillar by way of a memorial to the dead. The place selected is such that it is adjacent to a big ant-hill. To the left of the pillar they place another stone flat on the ground. Between the pillar and the flat stone, a number of small stones are placed in line from right to left. This line of stones represents one kind of magic for curing the sick. Parallel to this they place a second line of stone representing another kind of magic, one causing, say, injury to enemy. A third line is put for making women barren, a fourth line for destroying crops and cattle and so on. The initiator magician then mentions the names of the gods of magic with a view to invoking their blessings. He holds a bamboo stick in his hand and as he recites his ‘mantra’, he beats the stone in turn beginning with the pillar and going from left to right. The disciples chant the ‘mantra’ after him and then, one by one,

they stand up and strike the stones with the stick. By December, the whole art of black magic is learnt. At the beginning of the course of study, the disciples subscribe to buy a pig and chicken for their 'guru'. At the end also, they bring offerings and a pot of rice-beer. On the last day, a little rice is placed on the flat stone and the chicken brought by the disciple is made to eat it. Then it is killed and the boys feast with their 'guru'.

A sorcerer may attack his enemy directly by blowing something at him, by putting a charm into his food, by performing certain rites or by the evil eye. He may obtain the services of a ghost or a spirit to carry out his designs. Stories are current of sorcerers transforming themselves into tigers. They would hide in the forest, attack human beings or cows, kill and devour them. They would then take human form and return to their homes. Whenever such a suspicion is aroused, the tribals keep a strict eye on the activities of the sorcerer and try to dispose him of on getting a suitable opportunity. It is generally believed that if a were-tiger is injured, similar marks will appear on the human body of the man who had possessed it.

Sometimes, instead of turning into an animal, the sorcerer sends an animal to do his work for him and there are many stories of people being attacked by bears and tigers. Indeed many Maria gonds believe that no animal or snake will ever attack a human being unless it is incited to do so by magic. Witches seem to prefer the direct attack. A witch goes out of her house at night and finds an ant-hill. She takes off all her clothes and she goes round the hill 7 times appearing more like a ghost than a human being. Anyone who looks at her becomes blind. She goes to her victim's house, places a bit of grass on his breast and sucks his blood through it. She takes it back to the ant-hill and mixes the blood with milk. If the milk is red, he will die, but if it is white, wealth will come to his house.

In the Bhil community, the ritual of acquiring the powers of a witch is very different. A witch has to roam in the forest and keep a watch on her shadow. She has to look for a suitable spirit or a ghost to become her sponsor. Some day, if she is lucky, she will see another shadow, but it has to be fully superimposed on her own. As long as this does not happen, she has to keep on trying. When the two shadows become fully superimposed, her job is done. The ghost, whose shadow has



BADWA — THE WITCH DOCTOR

matched that of the would-be witch, will now act at the behest of the woman and do her bidding. It is said that the witch also has sexual intercourse with her ghost; the latter will more or less act as her husband. The witch may have more than one ghost as her sponsor and she will use them for different kinds of errands.

Vesta Bhil of Inder Chowki village in Jhabua district bought an excellent pair of bullocks by paying more than Rs. 3500 for them. He took them to the field for ploughing; hardly had they worked for three hours when both bullocks fell down on their knees and refused to move any further. Vesta suspected that a witch (dakin) of a neighbouring village had cast her evil eye on the bullocks because once Vesta had spoken against her to a few persons. The two bullocks had to be carried in a cart to a powerful witch-doctor, who lived in another village about 10 miles from Vesta's village. The witch-doctor performed the usual ritual and having done that, he took a lemon, cut it into two and squeezed one piece at a particular place on the shoulder joint of one bullock. He applied his mouth to that portion and sucked hard. A needle came out of the bullock's flesh and the witch-doctor held it between his teeth. From the second bullock, by following a similar procedure, a big thorn came out. In a minute, both bullocks stood up and Vesta took them to his village. The witch-doctor confirmed that the incapacitation of the bullocks had been brought about by the witch whom Vesta had suspected.

The hollows of big trees are the abode of the ghosts and the spirits; some are good and some hover about with sinister motives. The witch makes friends with the latter. She has to continue observing certain rituals and also undergo a certain degree of physical hardship herself to maintain her rapport with her sponsor-ghost; if she herself does not carry out their behests or fails to comply with the rigours of the rituals, she herself will meet a tragic end at the hands of the ghosts. A witch, therefore, lives under great mental stress.

The witch-doctor in the Bhil territory usually selects one of his sons to learn and inherit his skill. But any other young boy desirous of practising as a witch-doctor can also approach a renowned witch-doctor for initiating him into the mysteries of his profession. It is for the veteran to decide whom he should

take on as his pupil. He puts the boy to certain tests; the most common being to make him spend a few hours at the cremation ground during dark nights. Only those boys who pass this test are approved for further instructions. The veteran makes them recite 'mantras' in such a way so as to be able to get a suitable beneficial spirit to enter into their bodies. This stage is marked by the boy going into a trance or frenzy. The boys undergoing training reportedly disappear from the village for several days and the Bhils say that the friendly spirits take them away to the hollows of the trees and make them spend a few days with them. Like the witches, the witch-doctors also have to adhere to a strict discipline; otherwise, they will not only lose their power and effectiveness but will also incur the wrath of their sponsor-spirits. For instance, they cannot charge more than a certain fixed amount from their clients. The Bhil witch-doctors wear long hair and most of them have a rather piercing glance; usually, the renowned ones are of dignified bearing and stand out in any crowd. They are held in awe in all the villages falling within the zone of their influence. There is a constant clash between them and the witches and which side will actually win is unpredictable.

In his book, *A Memoir of Central India*, Major-General Sir John Malcolm makes the following observations regarding the witches:

'The idea entertained of Dhakuns, or witches, is that certain women (generally the old and wrinkled) are endowed with a limited supernatural power, which though it does not enable them to see into futurity, or to obtain what they wish, empowers them to inflict pains, diseases, or death, upon human beings or animals, as they may desire to gratify their malice or resentment. They are believed, in general, to accomplish their vengeance by causing the gradual decay of the liver of the person or animal they wish to destroy. Their power of witchcraft exists on the 14th, 15th, and 29th of every month. It is also very strong during certain periods of the year, particularly the nine days before the Dussehra feast; but the Diwali is the time when they have most power. At other periods, Dhakuns appear, dress, talk, and eat like other women; but, when the fit is on them, they are sometimes seen with their eyes glaring red, their



WITCH DOCTOR CURING A PATIENT

hair dishevelled and bristled, while their head is often tossed around in a strange convulsive manner. On the nights of these days they are believed to go abroad, and, after casting off their garments, to ride upon tigers and other wild animals; and, if they desire to go upon the water, the alligators come, like the beasts of the forest, at their call, and they disport in rivers and lakes upon their backs till near dawn of day, about which period they always return home, and assume their usual forms and occupations.

'The usual mode of proving whether an accused woman is a witch is through a religious mendicant of low tribe, who is termed a Bhopah, and is believed to have the talent of discovering those who have the latent power of sorcery; but, generally, for a woman of a village to be old and haggard, and bad-tempered, is sufficient to make suspicion fall upon her. If a man, his wife, or child, or any of his cattle, remain long in bad health, or die suddenly, and any old woman is supposed to have an ill-will against him or his family, she is seized, and red-pepper is stuffed into her eyes; if this process does not produce tears, the unfortunate creature is condemned; sometimes she is flogged with the branches of the *Nux vomica*, or with the root of the *Palma Christi*, or Castor oil plant; and if these make her call out, she is deemed a sorceress, for they alone can inflict pain upon such a being. On other occasions, the witch is tied in a bag and thrown into a pool, where sinking is the only proof of her innocence. If her struggles keep her afloat, she is inevitably condemned and punished, either by being obliged to drink the water used by the leather-dressers, which is a degradation from caste, or by having her nose cut, or being put to death.'

Another resource at the disposal of a sorcerer is to employ a ghost or an evil spirit to carry out his behests. Here the danger to the intended victim is two-fold. He has to face not only the malice of the magician but also the power of a supernatural being, who has become his ally. The ghosts of executed murderers are specially liable to be used by the magicians in this way. Witches also have the power of affecting the domestic life of their victims. They can destroy his seed so that he will have no children in the family. Witches can injure women



by prolonging their menstrual period. Sometimes, the unhappy woman may hang herself.

The fear and awe of witchcraft has often led to violence. In the first stage, the victim tries to counteract the effect of witchcraft by employing the services of a beneficial magician. Apart from chanting 'mantras', the beneficial magician asks the victim to make a sacrifice of an appropriate animal—cow, pig or fowl. The beneficial magician is also endowed with the faculty of finding out whether the misfortune of the victim is the outcome of sorcery practised on him and, if it is, who the likely sorcerer or witch could be. The ritual carried out by the beneficial magician may or may not be efficacious. If the misfortune that has fallen on the victim does not abate, he leaves the village and goes somewhere else to protect himself from the machinations of the sorcerer; or if he becomes desperate, he takes revenge on the sorcerer by attacking him physically. This sometimes results in homicide, which is not censured by the community. On the contrary, the entire community heaves a sigh of relief at the elimination of a sorcerer or a witch. A situation like this creates problems for the police because adequate evidence to prove the charge of homicide is not usually forthcoming and there is a deliberate attempt on the part of the village community to shield the assailant from the consequences of homicide.

Among some tribal communities, black magic acts as a genuine legal force for carrying out the rules of tribal law; it prevents the use of violence and restores equilibrium. Sorcery is usually practised by men of outstanding intelligence and personality, who acquire the art by learning a number of spells and submitting to certain conditions. They exercise their power on their own behalf and also professionally for a fee. Since the belief in sorcery is deep-rooted and every serious sickness and death is attributed to black magic, the sorcerer is held in great awe, and, his position seems to lend itself inevitably to abuse and blackmail. When a real injustice or a thoroughly unlawful act is to be punished, the sorcerer feels the weight of public opinion and is ready to champion a good cause. The victim, on learning that a sorcerer is at work against him, may quail and make amends or come to an equitable arrangement. A sorcerer also helps in finding out the reason for which a man has been killed

by witchcraft. This is achieved by the correct interpretation of certain marks or symptoms to be seen on the body of the victim. The system is, therefore, not an unmitigated nuisance and seems to have some good points in its favour. The legal authority to punish an erring member of the community has been totally appropriated by the Government; hence, under the circumstances, the fear of witchcraft or sorcery may have the much-desired deterrent effect. Also, all the lapses of a man do not invoke punitive action provided by the law of the land and in regard to such matters, rough and ready justice is, in a way, provided by the local sorcerer on the spot.

Laubscher in his book, *Sex Custom and Psychopathology*, describes the nature of the punishment meted out to witches in days gone by. Immediately after the victim had been named by the sorcerer those assembled made a rush at the poor accused. His clothes and ornaments were rudely torn from his body and a special party, appointed for the purpose of carrying out the punishment, then took charge of him in order to make him reveal the hidden secrets of sorcery, especially the medicines by means of which he carried out his enchantment. It is said that the accused was tied on the ground next to an ant-heap, the nests were then smashed and the irritated ants crawled into his nostrils, eyes and ears, causing the most excruciating pain by their bites. At other times, the unfortunate person was laid on the ground and large flat red-hot stones were placed on his groin, abdomen and chest. If the witch confessed his sorcery and the enchantments he employed, the chief claimed the same number of cattle as he would have done in the case of a homicide. If the person died under torture, the chief claimed 7 head of cattle for his life as well.

The ant-hill is somehow associated with witchcraft among many tribal communities of the world. As described earlier, the Maria witch-doctors and witches develop the power of witchcraft by observing certain rituals and ceremonies in front of an ant-hill. Among the Bhils also, the ant-hill is the place where the evil spell of a witch is sought to be neutralised. Very early in the morning, the nearest relative of the afflicted person, lights 7 lamps made of wheat-flour. The wick is made of cotton and put into the small wheat-flour lamps. Oil is poured into the hollow of the lamp and when the wick gets soaked with oil, it

starts burning. Each lamp is rotated 9 times around the afflicted person and is put on a flat earthen pot. The lamps are taken out of the house by the nearest relative and carried to the nearest ant-hill. While doing so, the man is not supposed to look sideways or backwards, he is also not supposed to talk to anyone on his way to the ant-hill. On reaching the ant-hill, he will throw the lamps into the ant-hill and return to the house in the same manner in which he had gone to the ant-hill. It is expected that by observing this ritual, the evil influence of the witch would be neutralised and the afflicted person would rid himself of the witch's curse.

The use of human blood in the furtherance of various objectives has resulted in many homicides, although in India the number is very much on the decline. What is most surprising is that human sacrifice should take place at all even in the closing decades of the twentieth century. Yet, one does sometimes read in the newspaper about human sacrifice being made in the tribal areas. The latest occurrence recorded in the State of Madhya Pradesh *pertains to the sacrifice of a man in the tribal district of Surguja*. The sacrifice took place as late as on 13 October 1975. It attracted the notice of the police when, on the 16th October 1975, Shiv Ratan, a barber by profession and a resident of village Saskalo, saw a headless human body floating in a river close by. He ran back to the village and reported the matter at the police station, Ambikapur, which happened to be the district headquarters. Police investigation was set into motion. It revealed that the culprit Shiv Ram was suffering from gonorrhoea and although he had 2 wives, he had been blessed with no son but only 1 daughter. He was obsessed with the idea of getting a son and in the furtherance of that objective, he resorted to all kinds of worship, magic and sorcery, but the situation remained unchanged. He then happened to meet Charandas, a resident of village Kotya, who whispered into his ears that the solution lay in making a human sacrifice. Thereafter, Shiv Ram, Charandas and the former's servant Karamdeo drew up a detailed plan of human sacrifice. This took them nearly 15 days. They decided to kill Alhai. On the ninth day of the Dussehra festival, the three accused persons persuaded Alhai to go along with them to the river nearby. They told the victim that he would be given

meat and fish to eat. Alhai could not resist this temptation and he agreed to accompany Shiv Ram and his accomplices. Upon reaching the river, Karamdeo and Charandas caught hold of Alhai and Shiv Ram dealt him a blow with his axe. It failed to kill Alhai, who, extricating himself from the clutches of the accomplices, ran for his life. He had hardly run a short distance, when he was caught again by the assailants and finally done to death. His head was severed from the body and put in a polythene bag and the body was thrown into the river. Shiv Ram brought the head to his house, where Charandas and he performed the prescribed worship by breaking a coconut. Thereafter, the head was buried in a plot of land attached to Shiv Ram's house. All the 3 accused persons broke down in the course of police interrogation and confessed that crime had been committed by them. It was with their help that the severed head, blood-stained clothes, and the weapons of offence were discovered. Shiv Ram admitted that he had to offer a human sacrifice for the birth of a son and since a male child was intended, the sacrifice had necessarily to be that of a man.

This kind of human sacrifice has not been a rare event in Madhya Pradesh. On the contrary, 6 cases were reported in 1974 from Mandla, Jabalpur and Bastar districts; 2 cases each in 1973 (Shahdol and Raipur districts) and 1972 (Surguja and Raipur districts). This shows the hold that superstition, magic and sorcery still have on the minds of the people, some of whom are not living deep in the interior but at places close to the district headquarters. Another factor to be noted is that most of the sacrifices have been reported from the south-eastern part of Madhya Pradesh, which is backward and has a preponderance of tribal population; comprising the Gonds, the Oraons, the Kamars, the Bhumiyas, and the Korvas. Compared to the Bhils, these tribes are much more peaceful, law-abiding and submissive; yet there is the occasional out-burst of cruelty in the brutal killing of human beings just to propitiate certain gods, deities or spirits. The motivation is mostly personal gain and very seldom, the benefit of the community, as a whole.

The belief in the magical power of blood is world-wide, and has been thoroughly studied. Its virtues are imparted by the blood-covenant, by drinking, by bathing in it and by being baptised in it. Charms against sickness are sometimes written

in blood in China. The blood-bath was believed to be a cure for leprosy down to the middle ages; the idea even occurs in *Grimm's Fairy-Tales* where leprosy is treated by a bath in the blood of innocent maidens. Constantine the Great was advised to bathe in the blood of virgin children to cure an illness, but the parents' cries dissuaded him and he was miraculously healed instead.

'In the past', says Haikerwal, 'the custom of human sacrifice was common in India chiefly amongst the Dravidians. One of its forms was 'Purusamedh' which was celebrated for the attainment of supremacy over all created beings and at which eleven human beings and eleven barren cows were offered. The Puranas and 'Tantras' also contain frequent references to 'Narabali' or human sacrifice to the goddess Chandika. These 'Tantrik' sacrifices to Kali or Chandika were formerly common. People were freely offered in the days of Maharatta rule, and in Western India there are many temples existing even today at which such sacrifices were common only a century ago. In the North-East of India also human sacrifice to Kali was very common.

'In 'Katha Sarit Sagara' of Somadeva a pregnant queen asked her husband to gratify her craving by making a tank full of blood for her to bathe in. In order to avoid taking human life, he had a tank filled with the juice of lac, and the woman thinking it was blood was satisfied. In the tale of Devasmita, in the same collection, a king is told by the Brahmins that, if he wished to have a large number of children, he must kill his son and offer up his flesh in the fire. When his wives smelt the smell of the sacrifice, each bore the king a son.'

Among the aboriginals, human blood is chiefly valued for the enrichment of soil. It has been revealed that an attempt is sometimes made to get some human blood, especially of women, to mix it with the seed. The usual method is to go to the distant villages by night and inflict a slight wound on sleeping women with a knife or arrow. The blood-stained weapon is brought home and it is washed with water. Seed is then steeped in this water before sowing. It is believed that by doing this, a bumper crop would be reaped. Before wounding the victim, rice and turmeric are strewn near her cot.

Human sacrifices have been offered with the objective of preventing the breach of an irrigation tank or an embankment.

The sacrifice has sometimes been offered before actually taking up the construction in the hope that the work would be executed and completed successfully. This is done to propitiate the spirits presiding over the tank. In almost all major irrigation works, accidents take place and a few human lives are lost. The labourers are often heard saying that the irrigation work has by itself claimed its share of human sacrifice. Such a mode of thinking is nothing but an echo of the belief of bygone ages that no irrigation work could be started or completed successfully without a human sacrifice.

In another case, a human sacrifice was promised to the goddess, whoever she may be, subject to the condition that a bumper crop would be harvested. As chance would have it, the crop turned out to be a good one and in order to fulfil the promise, a child was killed. There is yet another instance of sacrificing a foetal child and this can obviously be done only by killing a pregnant woman. After the sacrifice, blood was scattered on the ground and the blood-stained land was ploughed before dawn in order to ensure its fertility.

E. Westermarck makes the following observation about human sacrifice:

‘A comparative study of the practice of human sacrifice shows that human victims are frequently offered in war, before a battle, or during a siege; for the purpose of stopping or preventing an epidemic; in order to put an end to a devastating famine; when the earth fails to supply the people with water; with a view to averting peril arising from the sea or from rivers; and in order to prevent the death of some particular person, especially a chief or a king. From these facts I have thought it justifiable to draw the conclusion that human sacrifice is largely at least, a method of life-insurance, based upon the idea of substitution; and though the human sacrifice offered as a means of putting an end to or averting a ravaging famine and securing an abundant crop has been explained as serving as a magical manure, it may be asked why this particular gruesome kind of measure was chosen if not because human life was in danger.’

Adultery is viewed with great disfavour among the tribal communities. While there may be considerable freedom for the

unmarried girl before marriage, once she enters into wedlock, she must remain faithful to her husband. If per chance, she becomes interested in another man, the best course for her is to seek a divorce and take another man after fulfilling the requirements of custom prevailing in the community. In the event of a divorce, a panchayat is convened and its decision is obtained in regard to the payment of compensation to the former husband. The modalities of divorce are also settled by the panchayat. By and large, divorce cases are few and far between.

There is a very strong belief that adultery brings calamity on the family because it incurs the wrath and vengeance of the clan god and the departed ancestors. Apart from this apprehension, the tribal husband is jealous and possessive by temperament. He is a passionate lover and is always careful about the behaviour of his wife with persons who may have a chance of winning her attention. Adultery may cause unforeseen and sudden death of cattle and other livestock. It is said that if an animal dies on account of this cause, its tongue protrudes and a watery discharge issues from its mouth. The guilty person may also go blind and there may be death among the children in the family. If the husband has gone on a hunting expedition and his wife commits adultery, her act will defile the earth and the hunt will be ruined. The arrows will fly crookedly and the husband may be bitten by a snake or hit with an arrow. It is generally believed that supernatural punishment will fall upon the guilty persons, both woman and man. This role is usually attributed to the clan god and the departed ancestors, who may even assume the form of animals and do the damage by killing. Such stories are not mere fairy tales. They are part of the actual life of the people, vividly believed and actually experienced.

A trihal considers himself entirely justified in killing a wife who is disloyal. The discovery of a woman actually in the arms of her lover has such an overwhelming emotional effect that the husband is almost bound to strike and kill. L.A. Krishna Iyer and N. Kunjan Pillai write in the *Census of India 1931*:

'By the Kanikar of Travancore, adultery is viewed with great abhorrence, and punishment for this offence varies in different localities. At Kulathupula the punishment inflicted on the adulterer is this. His legs are tied to the branch of a

tree with the head hanging down. Straw strewn with chillies is spread on the ground and burned. The body of the culprit is swung to and fro and he is in the mean-while given twentyfive lashes with a cane on the buttocks. The guilty woman is given fifteen lashes by a man who marries her, even though he may have already been married.'

Curiously enough, the victim of the aggrieved husband is usually the woman and very seldom the man who entices her. Even if caught in actual sexual congress, the husband usually attacks the woman and not the man. However, there are reported cases of the paramour being attacked and eliminated instantaneously or over a period of time, but comparatively speaking, the number of such instances is small.

In the modern civilisation, the great majority of murders are for material gains, but among the tribals, this is not usually the predominant motive for homicide. The tribals have hardly any property worth the name and there is usually no intention of gaining lawful or unlawful control or ownership over property. Quarrels more often arise over the partition of the family goods while the head of the household is alive. The traditional idea is clearly not to partition the family property during the father's lifetime. But nowadays, elder sons often desire a share of land or cattle when they set up a separate establishment. Brothers, who, after the death of their father, have shared his possessions sometime quarrel with one another and desire a formal separation and partition. The tribals have very few possessions—a small hut, a piece of non-irrigated land, oxen, bows and arrows, a small store of maize and millets, a few metal utensils and perhaps some coins and currency notes hidden somewhere. Therefore, murders connected with property are not generally committed for gain in the ordinary sense. Rather, they arise out of disputes about rights and privileges and the actual murder is the result of anger and resentment rather than a desire for possession. In several cases, murder has been a form of self-defence against someone who has tried to take away land or other property that the murderer believed to be his right.

Outraged dignity, wounded pride and sheer exasperation sometimes provide the motivation for taking the law into one's own hands. Sometimes, the quarrels arise about what may seem



to the outsider quite trivial matters, though we should never fall into the error of judging the value of things to an aboriginal by our own standards. Murders are sometimes committed for cocks and drums.

To the aboriginals, family relationships mean quite a lot. People live together and share things; they control one another and interfere with each other. Marriage is a real partnership and not merely an association for the production of children. A husband and wife share far more of life together. They go to the jungle for wood, they eat together, they sit together to drink liquor. Women even attend funerals with men and help them to erect memorial pillars. Their life together is happy and united and woe to the man who disturbs it. A man and wife generally settle down at first in a small hut of their own. There is, however, a sort of joint family system with the father or the elder brother as the patriarchal head and sometimes a large family occupies an entire hamlet of its own in one part of the village territory. This happy and united family life is disturbed by several factors. One is the invasion of the happiness of two people by a third. Another is the presence of the husband's younger brother in the house and the privileged relationship which he has with the elder brother's wife. Another is the custom that allows a married girl to visit her mother's house. Yet another is man's insatiable passion for domestic experiments which leads to the complicated and dubious joys of plural marriage. There are tendencies at work within the family institution itself which sometimes lead to criminal action. The joint family rests upon the spirit of mutual toleration and sacrifice of the different members of the household. While forbearance is the outcome of long discipline in joint family life, it is put to a severe test as a result of the growth of individualism.

Frustrated sexual desire, injured pride, jealousy regarding the children's affection for their mother, hunger and fatigue, have driven distracted men to commit violence and homicide. A husband comes back home tired and hungry after a full day's work in the field or the forest. He finds that his wife has not cooked food for him. He has a heated discussion with her but tolerates the lapse and goes to sleep on a hungry stomach. He gets no food the next morning also, and when he interrogates his wife, he is told that she is not going to cook for him and that

he could, if he so wished, get another woman as his wife. This infuriates the husband. He also gets irritated by the crying of his children because they too have not had anything to eat. The husband is unable to control himself any longer and he hits not only his wife but also his children with an axe, which is usually available close at hand. The blow is so hard that the wife falls on the ground and dies and a similar fate is met by the children. The man then gets a shock and he weeps and admits to his neighbours all that he has done in a fit of anger. The same man creeps out of the house and hangs himself on a 'mahua' tree with his own cloth.

Sometimes, the wife is frigid and refuses full sexual privileges to her husband and yet she is jealous of him and is possessive. The husband naturally looks to some other woman for the satisfaction of his sexual craving. This is not liked by the wife and she keeps on nagging the husband. Some day, she may catch him in a compromising position with another woman. She asks her husband what he is doing and at the same time strikes the other woman with a stick. The husband becomes enraged at the interruption, hits her and the woman dies.

The strains and stresses of a polygamous household do not appear to result in tragedy as often as might be expected. The bride-price being quite substantial for a tribal, polygamy is not very common, as only the comparatively rich among them can afford this luxury. Those men who do keep more than one wife at a time are generally the sort of people who would make a success of anything, even of so complicated a matrimonial adventure as this. This is all right for men who are not only rich but are also strong, powerful and virile and are able to tame their wives. But the collection of wives by older men merely on the strength of their wealth has often resulted in grief. Often, the jealousies and quarrels lead to murder, sometimes to suicide. It requires lot of tact to make the wives feel that they are receiving equal consideration and affection from their husband. Whenever this equilibrium or the balancing feat goes awry, jealousy is aroused and some tragedy takes place. There may be frequent quarrels among the wives and this may exasperate the husband. He may beat up one of his wives, who, in her turn, may fatally assault the other wife. Attacks on the husband have also been reported, when the assailant-wife cannot any longer endure the husband's ill-treatment.

The relationship between the wives of brothers is carefully regulated. Between an elder brother and his younger brother's wife, there is an absolute taboo; there is a strong rule of avoidance in all primitive societies. But the younger brother has a special and privileged relationship with his elder brother's wife; he can flirt with her, he can make indecent jokes, he can become her lover; after her husband's death, he has the first claim on her person and if she marries anyone else, he has a right to compensation. It is obvious that among a people where brothers often live together, sharing house and lands, where jealousy is strong and sexual desire passionate and keen, such a tradition may sometimes lead to trouble. To the younger man, his elder brother's wife is delightful because she is accessible and does not burden his conscience. To the elder man, the younger girl is undoubtedly attractive, because she is forbidden. The word 'brother', of course under the classificatory system of relationship, includes also male relations who are more usually called cousins. The unfaithfulness of a wife, for pleasure with a forbidden person is also likely to bring down all kinds of supernatural vengeance upon the man, the family and the clan—cattle might die and other miseries may follow. Therefore, these factors have led to many crimes, including homicide, among the tribals. Even though a moral aberration on the part of a woman may not exactly represent a breach of any tribal or social convention, the personal feelings of the husband may be outraged and that may eventually lead to crime.

Another very common source of domestic friction, is the custom that allows a girl to visit her mother's house. These visits are an exciting and important part in the life of every aboriginal girl. After marriage the mother's house becomes a sweet and romantic memory. Its hardships and quarrels are easily forgotten, and the love of one's own parents appears tender and kind compared to the constant friction of the new home.

It is generally considered correct for girls to go to their parents' house for important domestic events such as the ceremonies for the birth of children, marriages and funerals, for some of the main festivals and to help in the more urgent work of the fields. Husbands, especially young husbands, resent this, for it means one pair of hands less to work in their own house. Girls are not always very tactful in the enthusiasm they show

at returning to their old homes, and some girls make a regular habit of going there, far too often, to the discomfiture of their husbands.

Too frequent visits to parents' houses often arouse the suspicion of the husband, who starts feeling that perhaps the wife wants to go back to her parents' house in order to carry on a love-affair with some childhood friend. This suspicion is strengthened if the girl puts off her return to her husband's house on one pretext or the other. The climax is reached if the girl refuses to return. If and when this happens, some tragic development usually takes place—even homicide and suicide have occurred. At times, a confrontation has taken place with the person suspected to have engaged the attention of the girl in her parents' village. The girl's refusal to return to the parents-in-law's house has sometimes been traced to the failure of the husband to satisfy the sexual urges of the girl. In some cases, this refusal has been attributed to the maltreatment of the girl at the hands of the parents-in-law. However, this is one of the factors which has often caused strain in the tribal communities. In fact, everything that has been mentioned in the context of the tribal setting, applies with equal force to Indian society as a whole, and the relationship between a man and his parents-in-law is always rather delicate. The general tradition is that the parents-in-law should show special consideration to the son-in-law. Any deliberate breach of this tradition is greatly resented by the son-in-law in tribal society and sometimes leads to serious quarrels.

Among many tribal societies in India, there is an arrangement whereby the youths from poor families, who cannot afford the bride-price, serve the would-be father-in-law for a stipulated period, which may vary from 3 to 12 years. Such youths are known as 'Gharjamai', 'Lamsena', and 'Lamhada'. A close and careful watch has to be maintained on the activities of the youth lest he should indulge in sexual intercourse with his fiancée. If the girl becomes pregnant before the period of service is over, the usual course adopted is to get the marriage performed at the earliest. The youth has, however, to complete the full term of his service. Sometimes, the girl diverts her attention to some other boy. This is naturally resented by the 'serving' youth and cases of assaults on the fiancée or on her paramour have often occurred.

The relationship of alcoholism to the occurrence of crime in tribal communities has been discussed in many studies of this kind. It is commonly said that drinking, and especially the drinking of rice-beer is the main cause of crime among the Bison-horn Marias of Bastar. It is true that except among the Bhils, a plea of drunkenness is frequently put forward by the accused persons in the courts. But there is reason to suppose that frequently this is suggested to them by their counsel. In many cases, the excuse of intoxication was not made by the accused in his confession to the police, or before the lower court. It was introduced as an after-thought before the Sessions Judge. It is, however, only in a very few cases that the court accepts the plea of drunkenness and permits that to mitigate the severity of punishment. No direct relationship has been established between the kind of alcoholic drink—brewed, distilled or fermented—and the incidence of crime. It is difficult to conclude whether any particular kind of alcoholic drink leads to any particular kind of crime. For instance, rice-beer is consumed in large quantities during marriages, funerals, or other ceremonies, but no murder has generally been reported on such occasions.

The question of alcoholism as a cause of crime has been discussed in an important article by Dr. Norwood East, a former Commissioner of Prisons in England. He describes how he examined a series of 100 unselected cases of men and youths, who had been tried for murder. Alcohol was a predominant or contributing cause of homicide in 19 cases. Dr. East concludes that there appears no reason at the present time to consider alcohol as more than an occasional factor in the causation of crime in England. Every practical criminologist will attach some importance to the association of alcoholism to crime. It is, however, very easy to over-emphasize the connection.

Kinbery says:

‘Many see in the use of alcoholic liquors perhaps the worst social cancer, if not the root of all social evils, and are, therefore, inclined to consider drink one of the main causes of criminality too. It is most unlikely that such a schematic and uncomplicated view is correct. Social problems are usually very intricate and very simple solutions have so

far always been found wanting. It cannot be denied, however, that alcoholic liquor is liable to change an individual's mode of reaction and, therefore, plays an important part as crimino-etiological factor. The most prominent physiological effects of alcohol are emotional changes, usually in the direction of euphoria and increased irritability, but occasionally towards dysphoria (especially in the later stages of intoxication), reduced inhibition of drive impulses, particularly of a sexual nature; more optimistically coloured judgments; a reckless disposition; reduced control of actions; increased physical mobility, with a tendency to impulsive and thoughtless action; a general lowering of the moral level. These effects indicate that intoxication is conducive to certain kinds of criminality, such as acts of violence—assault, manslaughter, rape and other sexual crimes, defamation and resistance to the police. Alcohol is, as a matter of fact, a more or less important contributory cause in many such crimes.'

The instinct or deep-seated desire to take revenge on a person is the cause of many crimes among the tribals. This desire remains hidden without being assuaged for a long time. In the more sophisticated world, there are many other things happening all the time and some of them have the effect of softening the intense desire to take revenge on a person who may have been the source of affront, insult, humiliation, disappointment or failure. But in the tribal areas, the factors that could have this kind of softening effect are not very many and, therefore, the determination to take suitable revenge some day is a steadfast one. Sometimes, it has taken several years for the revenge to materialise; perhaps the assailant has waited for a suitable opportunity to translate his plans into action—the fire has nonetheless remained smouldering during the long wait. Stanley Hall says:

'The instinct of revenge is very deep seated and not entirely eradicable. In abnormal cases it is instantaneous and perhaps unconscious. I have myself talked with a score of youthful murderers under sentence of death, who I believe, were in every way as good by nature as I am, but who in an instant

of fulminating anger struck the fatal blow, possibly harder than they knew or because a weapon was at hand, and killed, it may be, their best friend with a regret no less than if sudden death had come without their agency, and with a self-reproach equal to that which they would have visited upon any wretch who had slain their friend.'

Some of the homicides for revenge are the result of a deliberate conspiracy of several people to eliminate the person who had offended them. There is also evidence of an unusual degree of pre-meditation and a careful adherence to a plan of attack. In many cases, the would-be assailant makes an open declaration of his determination to take revenge and, while doing so, he makes the 'established' signs of throwing a challenge to the person, who later on becomes the victim of his wrath. The courts have usually taken a serious view of such offences and have awarded the most deterrent punishment to the culprits.

Such then is the interplay of motives and other forces in the tribal communities. The supernatural still plays an important role in the affairs of the tribal and it persists even among the more advanced communities. Similarly, the influence of the witch-doctors has not totally abated in the advanced communities and even in towns and cities, there are certain men and women who are often called to the homes to cure a sickness, even though the facilities of modern medicine are available at hand. Obviously, these influences are much more pronounced in the tribal areas where alternative avenues of seeking redress or getting relief are totally non-existent. Laubscher has also correctly observed that the fear of the supernatural and the operation of the code of taboos keeps the tribal societies on the right track; in the absence of these influences, there may be utter chaos and a total loss of moorings in these societies. These factors do not, therefore, have a totally negative value and an impression should not be carried that the incidence of crime among the tribal communities would in any substantial degree be minimised if these influences were not at work. The crime situation in the cities and towns where these influences are not at work is very much worse. Cheating, black-mailing, prostitution, and all kinds of horrible crimes which afflict the so-called civilised people are not to be found in the tribal communities. In fact, it is difficult

to say whether even all those misdemeanours which are reportedly taking place in the tribal communities could, strictly speaking, be brought within the definition of crime. The tribal lapses mostly emanate from the correction of some disequilibrium, either in the family or in the society, and seldom out of any criminal intent and is often in the vindication of their honour, dignity and self-respect.



## Crime Situation in the Tribal Districts of Madhya Pradesh

Madhya Pradesh has the distinction of having the largest population of tribals in the country; 83.87 lakhs according to the decennial census of 1971. This constitutes 22 per cent of the total tribal population in the country and 20.13 per cent of the total population of the State. Approximately 1 out of every 5 persons in Madhya Pradesh is a tribal and 1 out of every 5 tribals in the country resides in this State. As its name implies, this State is located in the centre of the country and is the 'heart' of India. It appears that the tribals who were hard-pressed from different directions retreated to this area, now comprising Madhya Pradesh. The habitat suited the tribal because it has 2 important mountain ranges, the Vindhyas and the Satpuras, and the richest forest in the country.

Even as early as 1866, the following description of Madhya Pradesh (known as the Central Provinces during the British times) appears in one of the Government reports:

*The Central Provinces from their geographical position and still more from their natural features, form exactly the tract in which one would expect to find waifs and relics of the aboriginal tribes. It is like a thick bit of cover in the middle of open country, when plains all round have been swept by hunters or cleared by colonists.*

once extensive forest, the State not only has 23 per cent of the country's total forest area but has also the largest forest in India. As the invaders of the past and the economic exploiters of the present pushed the tribals out of the area which had been made habitable and fertile by them after centuries of hard work, there was no alternative for the tribals but to make their new home in the mountain ranges and in the cover and safety provided by the forests. This seems to be the most plausible explanation for the concentration of the tribal population in the State.

But within the State itself, the phenomenon of the squeezing-out of the tribals has continued for ages with the result that out of the 45 districts into which the State is presently divided, there is a heavy concentration of the tribal population in 15 districts only. In the eastern districts of Bilaspur, Surguja and Raigarh, there is a preponderance of the Gond, the Oraon and the Korwa tribes. The southern zone, comprising the districts of Bastar, Raipur and Durg is inhabited by the famous Marias and the Murias, the Halbas, the Gonds, the Bhujias and the Kamars. The Baigas, the Korkus, the Kols, the Pradhans and the Gonds occupy the state's central zone comprising Shahdol, Mandla, Balaghat, Seoni, Chhindwara and Betul districts. And finally, there is the western zone of M.P. where live the Bhils, and the affiliate tribes, the subject-matter of our present study. The districts of Jhabua, Dhar, Ratlam and Khargone are the constituents of this zone. Based on the 1971 census, the tribal population of the 15 tribal districts is as given on page 106.

It will be obvious from this statement that the concentration of the tribal population varies from 84.85 per cent in Jhabua district to 11.24 per cent in Balaghat district. Nearly 99 per cent of the tribals live in villages. They depend on agriculture and forestry work for existence. There is hardly any diversification of occupation. 73 per cent of the tribal workers are cultivators and 20.57 per cent are agricultural labourers. About half of the tribal areas of the State lie at an altitude of 1000 to 2000 feet, one-fifth lie between 2000 to 3000 feet and one-fourth of the area has an elevation of around 1000 feet. The terrain is hilly, the soil-cover is thin, the lay of the land is undulating. As a result of the pressure of growing population and the total absence of subsidiary occupations, steep slopes and lands fit

<i>Name of the district</i>	<i>Total population</i>	<i>Tribal population</i>	<i>Percentage of the tribal to the total population</i>
Surguja	1,326,439	741,894	55.95
Raigarh	1,278,705	604,578	47.33
Bilaspur	2,440,962	417,614	17.13
Bastar	1,515,956	1,033,950	68.25
Raipur	2,613,531	382,237	14.61
Durg	2,459,910	276,872	11.26
Sbahdol	1,029,839	496,692	46.55
Mandla	873,577	528,865	60.59
Balaghat	977,583	109,993	11.24
Seoni	668,352	250,577	37.57
Chhindwara	989,413	348,026	35.18
Betul	736,196	224,538	30.57
Jhabua	667,811	565,705	84.85
Dhar	842,400	449,700	53.44
Khargone	1,284,812	508,247	39.53

hardly even for the grazing of cattle have been brought under cultivation. In Madhya Pradesh, the percentage of the irrigated to the total cultivated area is around 11, which is very much less than the national average of 24 per cent. Irrigation facilities available in the tribal area are still meagre; on a rough approximation, it has been calculated that only 2 to 3 per cent of the cultivated lands in these areas are under irrigation. Agriculture is very primitive and the tribals are steeped in poverty. The prevalence of this subsistence economy is the backdrop against which the occurrence of crime has to be understood in this area; particularly with reference to the offences of theft and robbery.

The tribal communities are aware that the lands, which once belonged to them, are now owned by the so-called civilised people. The usurpers are even now out to exploit them in many cleverly contrived ways; usurious money-lending, cheating in every possible manner and all kinds of fraudulent dealings. The forest which once belonged to the tribals and where they lived a

life without any outside interference has now been taken possession of by the Government and all kinds of restrictions are being imposed upon them regarding their rights on trees and the forest produce. If the tribals dare to exercise the rights which they used to enjoy freely in the past, they expose themselves to the wrath of the governmental machinery. It is but natural that the manner in which the tribals have been exploited and suppressed over a period of time, should result in considerable bitterness in the overall attitude of the tribals towards the society in general. In fact, the forbearance and the toleration shown by them is indeed astounding and it should be a matter of great consolation that the tribals are not so vehement in their bitterness as they could have been.

Communities which are subject to centuries of subjugation and exploitation develop a kind of cynicism towards life and a stage is reached when in the value scales of these communities, life and other material things cease to have that importance which is attached to them by those who have had a privileged existence on this planet. Among the oppressed communities, the entire perspective on life becomes distorted and a new scale of values evolves over a period of time. This is generally not appreciated by the so-called developed communities and they are bewildered when they find that the values which they cherish most, are treated with scant regard by the tribal communities. The developed communities do not realise that the whole of mankind cannot be drilled by one manual of commands and that what they consider and judge to be good for them need not necessarily be good for the other communities. The less privileged communities have an equal right to make a choice about the kind of life that they would like to lead and no section of the people has the right to impose its own scale of values and its life-style on any other section, however down-trodden it may be. Nor should the advanced communities feel shocked at what they find happening among the tribals, their way of living, their scale of values, their customs and traditions and their ethos. Exploitation, whatever its form or duration may be, has a negative value and mankind as a whole has to pay its price. If the exploitation of the tribal communities has gone on for centuries, the penalty to be paid by human society, as such, has necessarily to be heavy.

As stated earlier, poverty among the tribals is very acute. For many days in the lean months, many tribal families fend for themselves by subsisting on roots, tubers, forest fruits, mushrooms and all kinds of small animals and insects. Life is particularly hard and distress, most acute during the early part of the rainy season when the stock of grain gets totally exhausted in the homes and also, there is very little that the forest can offer for subsistence during that part of the year. It is, therefore, quite natural that in a situation like this, the tribals should be a trifle non-conformist apropos the requirements of law and order. It is but natural that a person who is being gnawed by the pangs of hunger will do almost anything to feed himself, his starving wife and children without being too concerned about the consequences of his actions.

One of the first foods which mankind has partaken of is meat; in the beginning, it used to be raw and later on, when man began to use fire, the meat was cooked. This continued until man learnt the art and science of agriculture and started supplementing his diet with foodgrains. However, the weakness for meat continues and even today the majority of the human population eats and relishes meat. In the tribal areas, where the availability of animal and cattle meat is being reduced day by day, the desire to eat meat is all the more intense. This motivation sometimes manifests itself in a strong urge to deprive someone of his cattle and to kill and eat it and this results in a larger number of cattle thefts. In his book, *Sex, Custom and Psychopathology*, Laubscher makes the following observations:

Live-stock, as a means to an end is, in consequence, of vital importance in his life. The appeal that live-stock has for the native is also influenced by the conscious symbolic connotation as seen in his sacrifices and marriage ceremonies. The theft of cattle and horses, therefore, is determined or influenced by emotional needs and becomes the main acquisitive urge in the native's mind. The stealing of pigs, sheep, goats, poultry and the domesticated game falls within the category of thefts committed for oral needs, since these animals are stolen for killing and eating. Mention has been made of the native's craving for meat. He places a great value on meat as food and wherever meat is available, he gorges himself to

the utmost. It is not only a great delicacy, but is credited with health-giving qualities. Elders have frequently remarked that the change of times, the paucity of cattle, sheep and goats, have reduced to a minimum the meat supplies of the people. Once upon a time when the cattle roamed in huge herds and they had plenty of meat to eat, they were strong and healthy, but now they only have meat once or twice a month, and then, not sufficient is available to make them feel they need not eat again for a few days.

Now, coming back to the specific crime situation in the 15 tribal districts, the figures regarding the number of cases reported to the police are continued in the statement at page 110.

The statement at page 111 furnishes the crime figures for the State of Madhya Pradesh as a whole and compares them with the figures of crime attributed to the tribals in the aforesaid 15 districts.

The district-wise crime figures are at pages 113-17 which highlight the situation prevailing in the districts which are the subject of study in this book and will enable comparison with that obtaining in the other tribal districts of Madhya Pradesh.

In order to make a comparative assessment of the incidence of crime, it is necessary to work out the annual average figures of crime under different heads and to calculate the incidence on the basis of 100,000 population. The table at page 118 provides figures for the incidence of homicide in the fifteen tribal districts of the State. It will be clear therefrom that the highest incidence obtains in Jhabua district with a rate of 20.78 homicides per 100,000 of population. The second position goes to Bastar District (9.44), the third to Dhar (7.31) and the fourth to Khargone (5.66) district.

As in the case of homicides, the incidence of different crimes has been worked out and shown in the table at page 118.

In regard to kidnapping including abductions, a separate statement has been prepared, because this problem assumes great importance in the context of the Bhil area, where kidnapping constitutes the first stage of marriage and in most cases fructifies into wedlock. Since the incidence of kidnapping needs

Crime	Number of cases reported in fifteen tribal districts					Number of cases involving the tribals					Percentage of offences reportedly committed by tribals				
	Years					Years					Years				
	1971	72	73	74	75	1971	72	73	74	75	1971	72	73	74	75
Murder	863	874	868	1049	938	442	462	402	545	448	51.2	52.8	46.3	51.9	47.7
Attempt to Murder	261	284	246	452	389	127	159	159	248	189	48.6	55.9	64.9	54.8	48.5
Dacoity	112	102	159	202	227	50	56	65	73	87	44.6	54.9	40.8	36.1	38.3
Kidnapping/ Abduction	244	221	210	294	452	99	97	76	116	97	40.5	43.8	36.1	39.4	21.4
Robbery	276	345	402	494	570	116	143	143	156	187	42.2	41.4	35.5	31.5	32.8
House- breaking	6864	7751	9668	11044	13031	964	1078	1287	1323	1517	14.0	13.9	13.3	11.9	11.6
Thefts	12865	14084	16411	16524	19247	2296	2375	2397	3285	2992	17.8	16.8	14.8	19.8	15.5
Riots	629	676	757	984	826	121	127	128	178	163	19.2	18.7	16.9	18.0	19.7
Excise offences	3271	3942	4201	4426	4616	1086	1319	1427	1681	1684	33.2	33.4	33.9	37.9	36.4

Crime	Number of cases reported to the police in all the 45 districts of the State					Number of crimes attributed to the tribals in fifteen tribal districts					Percentage of crimes attributed to the tribals to the total number for the State as a whole				
	Years					Years					Years				
	1971	1972	1973	1974	1975	1971	1972	1973	1974	1975	1971	1972	1973	1974	1975
Murder	1727	1686	1737	2002	1879	442	462	402	545	448	25.5	27.4	23.1	27.2	23.8
Attempt to Murder	816	778	899	1178	1169	127	159	159	248	189	15.5	20.4	17.6	21.0	16.1
Kidnapping/Abduction	928	741	700	743	973	99	97	76	116	97	10.6	13.0	10.8	15.6	9.9
Dacoity	443	387	372	487	569	50	56	65	73	87	11.2	14.4	17.4	14.9	15.2
Robbery	1066	1152	1333	1644	1824	116	143	143	156	187	10.8	12.4	10.7	9.4	10.2
House-Breaking	16986	18180	22526	25485	26605	964	1078	1287	1323	1517	5.6	5.9	5.7	5.8	5.7
Thefts (Including that of Cattle)	30776	34010	40499	46999	44709	2296	2375	2397	3285	2992	7.4	6.9	5.9	6.9	6.6
Riots	2390	2474	3259	3758	3364	121	127	128	178	163	5.0	5.1	3.9	4.7	4.8
Excise															
Act-Offences	4743	6984	7503	7887	7786	1086	1319	1427	1681	1684	22.8	18.8	19.0	21.3	21.6
Opium															
Act-Offences	421	463	311	368	341	2	7	2	2	—	0.4	1.5	0.6	0.5	0.0



**HOMICIDES IN THE TRIBAL DISTRICTS—1971-75**  
 (Figures in brackets represent homicides  
 attributed to the tribals)

<i>Name of District</i>	<i>Number of Homicides committed</i>				
	<i>Years</i>				
	<i>1971</i>	<i>1972</i>	<i>1973</i>	<i>1974</i>	<i>1975</i>
Surguja	75 (35)	70 (31)	51 (32)	67 (33)	60 (20)
Raigarh	44 (25)	40 (21)	48 (22)	66 (23)	48 (20)
Bilaspur	86 (9)	88 (7)	116 (9)	116 (13)	101 (10)
Bastar	129 (106)	125 (112)	136 (108)	163 (137)	163 (134)
Raipur	56 (5)	54 (10)	59 (3)	82 (14)	76 (7)
Durg	59 (3)	48 (4)	39 (3)	42 (6)	46 (9)
Shahdol	18 (1)	26 (2)	28 (—)	26 (3)	36 (—)
Mandla	24 (16)	23 (13)	31 (15)	28 (10)	22 (11)
Balaghat	25 (4)	29 (—)	48 (4)	37 (3)	35 (5)
Seoni	29 (3)	20 (3)	25 (4)	12 (5)	22 (6)
Chhindwara	25 (9)	27 (15)	34 (10)	39 (10)	34 (15)
Betul	30 (9)	44 (8)	25 (7)	26 (10)	45 (10)
Jhabua	144 (144)	146 (146)	117 (117)	171 (170)	116 (116)
Dhar	57 (44)	58 (40)	50 (30)	81 (56)	62 (45)
Khargone	62 (31)	76 (50)	61 (38)	93 (52)	72 (40)

## DACOITY AND ROBBERY CASES IN THE TRIBAL DISTRICTS

1971-1975

(Figures in brackets represent the number of crimes attributed to the tribals)

District	Dacoity					Robbery				
	Years					Years				
	1971	1972	1973	1974	1975	1971	1972	1973	1974	1975
Surguja	7 (1)	5 (—)	9 (—)	6 (—)	23 (6)	22 (2)	18 (2)	28 (10)	35 (5)	47 (5)
Raigarh	—	4	6	5	7	6 (—)	5 (—)	9 (2)	24 (—)	13 (2)
Bilaspur	14 (—)	18 (1)	17 (1)	18 (1)	19 (3)	30 (2)	39 (1)	56 (1)	55 (4)	29 (—)
Bastar	4 (—)	8 (—)	1 (—)	5 (—)	16 (1)	10 (8)	21 (16)	17 (9)	19 (10)	28 (13)
Rajnagar	12 (—)	5 (—)	9 (1)	12 (—)	15 (—)	24 (—)	32 (—)	28 (2)	41 (—)	63 (2)
Durg	1 (—)	2 (—)	2 (—)	14 (—)	2 (—)	13 (1)	23 (—)	30 (2)	68 (7)	45 (2)
Shahdol	9 (—)	5 (—)	3 (—)	7 (—)	9 (—)	7 (—)	9 (—)	9 (—)	18 (—)	25 (—)

DACOITY AND ROBBERY CASES IN THE TRIBAL DISTRICTS  
1971-1975

(Figures in brackets represent the number of crimes attributed to the tribals)

District	Dacoity					Robbery				
	Years					Years				
	1971	1972	1973	1974	1975	1971	1972	1973	1974	1975
Mandla	2 (1)	— (—)	3 (1)	8 (—)	3 (1)	5 (5)	3 (2)	9 (2)	15 (2)	9 (1)
Balaghat	—	1	—	1	3	5 (—)	1 (1)	8 (—)	11 (2)	12 (1)
Seoni	(—)	(—)	(—)	(—)	(—)	6 (—)	13 (1)	15 (3)	11 (1)	10 (1)
Chhindwara	2 (—)	4 (—)	4 (1)	3 (—)	3 (—)	14 (1)	15 (—)	15 (—)	19 (4)	32 (3)
Betul	4 (—)	3 (—)	—	3 (—)	3 (—)	16 (1)	9 (2)	14 (2)	15 (4)	24 (3)
Jhabua	25 (25)	44 (41)	55 (42)	51 (38)	67 (45)	64 (63)	90 (90)	64 (64)	75 (74)	71 (69)
Dhar	8 (8)	6 (6)	18 (10)	29 (18)	30 (21)	19 (15)	39 (16)	44 (22)	45 (18)	115 (66)
Khargone	23 (15)	3 (2)	32 (9)	27 (15)	24 (10)	35 (14)	28 (12)	56 (25)	43 (25)	47 (17)

HOUSE BREAKINGS AND THEFTS (ORDINARY AND CATTLE) CASES IN THE TRIBAL DISTRICTS  
1971-1975

(Figures in bracket represent the number of crimes attributed to the tribals)

District	House Breakings					Thefts				
	Years					Years				
	1971	1972	1973	1974	1975	1971	1972	1973	1974	1975
Surguja	608 (39)	680 (57)	845 (65)	849 (74)	1283 (108)	674 (72)	827 (77)	975 (128)	818 (107)	1082 (118)
Raigarh	369 (24)	277 (39)	515 (50)	582 (50)	640 (74)	680 (65)	763 (78)	760 (88)	813 (99)	840 (109)
Bilaspur	822 (71)	995 (27)	1129 (37)	1579 (58)	1727 (66)	1381 (40)	1452 (52)	1552 (62)	1931 (44)	2551 (109)
Bastar	422 (197)	530 (187)	561 (197)	573 (186)	921 (307)	704 (339)	929 (304)	1070 (388)	798 (376)	1310 (482)
Raipur	968 (35)	1030 (51)	1222 (63)	1697 (76)	2379 (163)	1631 (35)	1749 (50)	1913 (63)	2561 (96)	3292 (133)
Durg	900 (18)	1051 (24)	973 (51)	1399 (109)	1707 (126)	2014 (75)	2170 (81)	1866 (93)	2349 (132)	2671 (158)
Shahdol	260 (21)	404 (25)	390 (23)	496 (35)	645 (44)	236 (19)	295 (21)	353 (18)	316 (35)	438 (45)

# HOUSE BREAKINGS AND THEFTS (ORDINARY AND CATTLE) CASES IN THE TRIBAL DISTRICTS 1971-1975

(Figures in bracket represent the number of crimes attributed to the tribals)

District	House Breakings					Thefts				
	Years					Years				
	1971	1972	1973	1974	1975	1971	1972	1973	1974	1975
Mandla	200 (40)	293 (56)	387 (89)	529 (107)	468 (115)	342 (87)	449 (110)	576 (129)	628 (107)	607 (135)
Balaghat	323 (42)	339 (30)	624 (47)	545 (41)	721 (30)	603 (32)	736 (25)	1084 (37)	941 (45)	1019 (45)
Seoni	398 (36)	374 (43)	573 (55)	545 (54)	594 (53)	588 (54)	617 (85)	914 (100)	732 (100)	734 (59)
Chhindwara	328 (37)	382 (46)	513 (30)	554 (29)	470 (41)	653 (85)	668 (48)	865 (62)	861 (58)	963 (95)
Betul	253 (29)	274 (28)	361 (31)	366 (34)	315 (30)	418 (40)	354 (40)	513 (42)	475 (52)	456 (42)
Jhabua	281 (281)	349 (349)	400 (399)	244 (238)	207 (194)	897 (890)	852 (846)	1244 (736)	489 (—)	771 (754)
Dhar	228 (59)	235 (37)	450 (79)	596 (121)	434 (66)	717 (241)	389 (333)	1082 (444)	957 (534)	894 (352)
Khargone	504 (52)	538 (67)	725 (86)	490 (105)	520 (89)	1327 (229)	1336 (219)	1644 (307)	1855 (311)	1619 (413)

## KIDNAPPING ABDUCTION 1971-75

(Figures in brackets represent the number of crimes attributed to the tribals)

<i>District</i>	<i>Number of Crimes</i>				
	<i>Years</i>				
	<i>1971</i>	<i>1972</i>	<i>1973</i>	<i>1974</i>	<i>1975</i>
Surguja	6 (—)	8 (2)	6 (1)	13 (1)	12 (1)
Raigarh	2 (2)	9 (2)	9 (1)	7 (2)	3 (—)
Bilaspur	11 (1)	8 (1)	14 (—)	19 (1)	16 (2)
Bastar	32 (23)	8 (5)	23 (12)	23 (6)	30 (9)
Raipur	12 (—)	12 (2)	35 (—)	30 (—)	32 (—)
Durg	10 (—)	24 (2)	17 (1)	24 (1)	23 (1)
Shahdol	6 (—)	4 (—)	3 (—)	15 (—)	6 (—)
Mandla	14 (5)	8 (1)	5 (2)	6 (1)	2 (1)
Balaghat	7 (—)	13 (2)	10 (1)	6 (2)	7 (1)
Seoni	6 (1)	9 (1)	5 (1)	12 (3)	8 (—)
Chhindwara	19 (4)	5 (—)	8 (2)	19 (2)	5 (—)
Betul	10 (3)	7 (3)	6 (2)	8 (2)	10 (3)
Jhabua	63 (47)	70 (53)	39 (36)	53 (53)	40 (37)
Dhar	13 (6)	11 (4)	9 (9)	23 (7)	21 (21)
Khargone	23 (9)	25 (14)	21 (10)	36 (21)	42 (28)

## INCIDENCE OF HOMICIDE PER 100,000 OF POPULATION (1971-75)

<i>District</i>	<i>Total population</i>	<i>Annual average of homicide</i>	<i>Incidence per 100,000 of population</i>
Surguja	1,326,439	64.6	4.87
Raigarh	1,278,705	49.2	3.84
Bilaspur	2,440,962	101.4	4.15
Bastar	1,515,956	143.2	9.44
Raipur	2,613,531	65.4	2.50
Durg	2,459,910	46.8	1.90
Shahdol	1,029,839	26.8	2.60
Mandla	873,577	25.6	3.26
Balaghat	977,583	34.8	3.55
Seoni	668,352	21.6	3.32
Chhindwara	989,413	31.8	3.21
Betul	736,196	34.0	4.61
Jhabua	667,811	138.8	20.78
Dhar	842,400	61.6	7.31
Khargone	1,284,812	72.8	5.66

INCIDENCE OF OTHER CRIMES PER 100,000  
OF POPULATION (1971-75)

<i>District</i>	<i>Dacoity</i>	<i>Robbery</i>	<i>House Breakings</i>	<i>Thefts including Cattle Thefts</i>
Surguja	0.75	2.25	63.97	65.62
Raigarh	0.34	0.88	36.82	55.42
Bilaspur	0.64	1.69	50.63	71.65
Bastar	0.45	1.25	39.7	63.66
Raipur	0.40	1.41	55.09	84.11
Durg	0.17	1.44	48.81	89.61
Shahdol	0.64	1.31	42.56	31.70
Mandla	0.36	0.92	42.18	58.50
Balaghat	0.08	0.74	51.00	48.60
Seoni	0.53	1.61	73.16	105.50
Chhindwara	0.32	1.90	44.90	80.20
Betul	0.35	2.1	42.26	59.63
Jhabua	7.24	10.88	44.27	127.20
Dhar	2.16	6.21	46.16	107.76
Khargone	1.69	3.24	43.02	120.06

to be examined in the context of the tribal customs and traditions, a separate set of figures have been worked out. These take into account only the tribal population of the districts and the kidnappings exclusively involving the tribal communities. The high incidence of kidnappings in the Bhil areas of Jhabua, Dhar and Khargone is at once reflected in both the sets of figures.

STATEMENT SHOWING THE INCIDENCE OF KIDNAPPINGS IN THE  
TRIBAL DISTRICTS OF MADHYA PRADESH

<i>District</i>	<i>Incidence based on the total number of kidnappings abductions and the total population of the district</i>	<i>Incidence based on the number of kidnappings abductions involving the tribals and in relation to the tribal population in the district</i>
Surguja	0.13	0.67
Raigarh	0.23	0.62
Bilaspur	0.19	0.55
Bastar	1.06	0.88
Raipur	0.10	0.92
Durg	0.36	0.79
Shahdol	—	0.66
Mandla	0.37	0.80
Balaghat	1.09	0.87
Seoni	0.47	1.19
Chhindwara	0.45	1.13
Betul	1.15	1.11
Jhabua	7.99	7.93
Dhar	2.09	1.80
Khargone	3.22	2.28

It is indeed paradoxical that the crime rate should be the highest in areas where there is extreme poverty or where wealth is in abundance. Jhabua at one end of the scale and the United States of America at the other, highlight this situation. Jhabua district shows a homicide rate of 20.78 per 1000 of population,



the corresponding figure of the United States of America (black population) is 45.4; the incidence of homicide in the other Western countries is much lower. The figures of incidence quoted in the books written by Verrier Elwin and Laubscher are as follows:

Bison-horn Marias of Bastar	6.9 per 100,000 of population	(1941)
South African Pagans	17.1	(1935)
Canada	1.5	(1924)
England and Wales	0.7	(1926)
USA (white population)	5.2	(1926)
USA (black population)	45.4	(1926)

Poverty in the countries of the East would have resulted in a much higher homicide figure but for the customary attitude of philosophic resignation to one's fate. In the poorer countries of the East, the people have an almost unlimited capacity to put up with the misery and pangs of poverty and all kinds of injustices. This tendency is particularly discernible in areas under the influence of Hindu religion, where the sufferings are attributed to the sins of the previous life. In his book, *The Challenge of World Poverty*, Gunnar Myrdal makes the following observation:

What is lacking in India is organised pressure from below on the part of the masses of people, effectively directed towards defending and promoting their interests. This has made possible a political stability that is tantamount to stagnation. The fatalism and apathy of the masses is a fact of immense importance in a country like India, as in most other underdeveloped countries. Is there a limit to the misery human beings can bear without revolting? Or is there no such limit? The utterly miserable living conditions quietly endured by many would suggest that there is no such limit. I see a spectrum of alternatively possible political developments, but I am not prepared to forecast what actually will happen. I feel much the same about the other countries in South Asia.

Quite a few homicides in the tribal areas are without any particular motive and are committed on flimsy or very trifling grounds. Perhaps, this could be explained by the fact that the tribals are an emotional people and have a volatile temper. Extreme poverty, distress, sickness, and the total lack of all kinds of amenities which make life worth living—all these factors conspire to diminish the value of human life. This also seems to be nature's gift to the human beings of such areas, because there would be no end to anguish, remorse and suffering if the tribals were to devote most of their time to mourning every loss of life that takes place among them. They have, therefore, learnt to take the loss of life in their stride and view human life in an altogether different perspective.

## Crime in Jhabua District—1971-75

Jhabua district is located in the north-west of the State of Madhya Pradesh. It has an area of 6373 sq. km. Its population, according to the 1971 census, is 667,944. The Bhils predominate and constitute 85 per cent of the total population of the district. In the State of Madhya Pradesh, Jhabua district has the largest percentage of Bhil population and even numerically, out of the total Bhil population of 1,618,786 in the whole State, 565,694 (35 per cent) live in this district. A study of the crime situation in the district will, therefore, present in a fair measure a vignette on the Bhil's propensity to commit various kinds of crimes. Instead of discussing the matter in general terms, specific crime situations obtaining in the district over a period of 5 years—1971-75—have been analysed and the crimes which actually took place in the district have been examined and described. The data are based on the annual police administration reports sent by the District Superintendent of Police to the State Government.

The district is divided into 5 tahsils and has 16 police stations and 20 police outposts. The police force comprises 1 Superintendent of Police (an officer of the Indian Police Service), 2 Deputy Superintendents of Police, 4 Inspectors, 27 Sub-Inspectors, 9 Assistant Sub-Inspectors of Police and 634 head constables and constables. Per 1000 of population, the number of policemen available in the district is 1.01: area-wise, 1 policeman has been provided for an area of 9.41 sq. km. It has, however, to be borne in mind that all police officers and men do not control or

investigate crime and prosecute criminals, a sizeable section is deployed on administrative duties, and to that extent the police force actually available for the prevention and investigation of crime is much less.

The year 1971 ended in Jhabua district with the registration of 144 homicide cases. On the basis of *prima facie* evidence forthcoming in the cases reported at the police stations, the police accepted cognisance of 123 cases; the balance of 21 cases lacked adequate testimony. Under the other crime heads, the registration of cases was as follows:

Rape	7
Kidnapping and abduction	53
Dacoity	22
Robbery	36
House breaking	81
Cattle theft	145
Other thefts	142
Excise offences	112

In connection with the homicide cases, 259 persons were arrested by the police and they were all men. 38 of the arrested persons were under 20 years of age, 197 between 21 and 40 years and 24 persons were more than 40 years old.

The following is the age-wise breakup of the accused persons under the other crime heads.

Crime	Number of accused persons					
	Less than		Between 21		More than	
	21 years		and 40 years		40 years of	
	of age		of age		age	
	Male	Female	Male	Female	Male	Female
Rape	2	—	3	—	—	—
Kidnapping and abduction	30	—	107	—	2	—
Dacoity	19	—	133	—	7	—
Robbery	6	—	51	—	3	—
House breaking	44	4	155	—	17	—
Cattle theft	29	—	250	—	34	—
Other theft	41	4	226	11	35	1

Among the 38 accused persons prosecuted for homicide, 1 was less than 12 years of age, 2 were between 12-16 years old, 8 were between 16-18 years and 27 were in the age-group of 18 to 20 years.

The motive-wise break-up of the homicide cases was:

Some material gain	12
Property disputes	15
Personal enmity	37
Sex	12
Sudden provocation	16
Superstition	1
Other motives	51
	<hr/>
	144
	<hr/>

Of the 144 cases of homicide, there were only 2 cases in which non-tribals were involved—in the remaining 142 cases, the assailants as well as the victims were all tribals. In 14 cases, near relatives were done to death, in 4 cases husbands killed wives, in 5 cases brothers killed brothers, in 1 case a son killed his father and in 3 the fathers killed their sons. There was only 1 case of a man killing his elder brother's wife. Weapons were used for killings in 102 cases out of the total of 144; gun in 1 case, arrows in 64 cases, 'phalia' in 14, axe in 5, 'lathis' in 1 and the sword in 1 case.

On 21 January 1971, 2 brothers quarrelled over the partition of a house. One killed the other by hitting him with a 'lathi.' In the same month, on the 28th, 2 brothers consumed a lot of liquor, they entered into a heated discussion, which eventually developed into a serious quarrel. One of the brothers caught hold of a stick and dealt a blow on the other, which resulted in his death. In another case, a son claimed his right over a 'toddy' tree but he noticed that his father would climb up the tree and take away the juice for his own consumption. There were frequent quarrels over the right to the 'toddy' juice. On 7 May 1971, the son lost his temper and also his control over himself and wounded his father with an arrow. The father

succumbed to the injuries. The police station at Petlavad registered a homicide case on 31 July 1971. The accused person had killed his elder brother's wife by drowning her in a river. He wanted to marry her but the latter preferred to cast her lot with some other person. Thereupon, the accused asked her to hand over her property to him, to which also the woman did not agree. On the day of the incident, the accused called her to his village to discuss certain matters pertaining to his elder brother's children. The woman acceded to his request. But the accused person had some other intentions. He took the woman to a nearby river and killed her by drowning. Presumably, he wanted to give out a story that the woman had either committed suicide or that she had drowned accidentally.

Another homicide occurred on 1 September 1971 in the jurisdiction of police station Sorwa. The quarrel started over the return of the bride-price. The deceased had married the assailant's daughter. The girl left him after staying with him as his wife for 1 year. She returned to her father's house. The deceased went to his father-in-law and demanded back the bride-price. Heated arguments took place between the two. The father-in-law then took out his 'phalia' and killed his son-in-law. The next homicide over a woman took place on 21 September 1971, in the jurisdiction of the police station at Ranapur. A man's wife was carrying on with another person. It was but natural for the aggrieved husband to protest against such a relationship. His wife's paramour did not relish this and on 21 September 1971, he hit the woman's legitimate husband so hard with a stick that the latter succumbed to the blow.

On 20 September 1971, constable Ramachal of the police station at Jhabua went to a village in the course of his routine duties. He got drunk and started abusing the villagers, who were also in a state of intoxication. Normally, the villagers do not touch a policeman because they are aware of the dire consequences of assaulting a government official. But at the time of the incident, they were also in high spirits and were not in a mood to brook any disparaging remark, even from a police constable. They hit him with sticks, as a result of which the constable died. In order to avoid the liability of explaining the presence of the dead body of the constable in the village, the

assailants threw it on the road. The matter was investigated and 3 persons were arrested by the police.

A man lost his life just because he persisted in abusing another person. This happened on 25 September 1971. The deceased was drunk. The would-be assailant pleaded with him many times that the deceased should not abuse him. That had no effect on the deceased, whereupon the assailant struck him with a 'phalia' and killed him. On 21 November 1971, a person was killed just because the assailants wanted to steal his goat. The deceased, a resident of police station in the area of Sorwa, had gone to village Mardhi for getting payment for the work done by him as a field labourer. He was carrying his goat with him. 3 persons waylaid him, killed him and took away his goat. The craving to eat meat was so intense that the assailants attached no value to human life and even the consequences of committing murder did not act as a deterrent. For a Bhil, no pleasure is greater than that of eating meat; if he can somehow manage to eat meat today, it does not worry him if, as a consequence thereof, he goes to the gallows tomorrow. Therefore, cattle theft holds great fascination for the Bhils; it also offers the satisfaction of the human urge for owning cattle wealth. This is a longing which dates back to the early periods of the evolution of man. In his book, *Sex, Custom and Psychopathology*, Laubscher writes:

Cattle and horses play such an important role in his (native's) culture that his main idea of wealth is possession of such animals. There are several facts in this culture conducive to the crime of stock theft. To recapitulate, there is the natives' attitude towards live-stock in general, there are his food needs and his oral characteristics, and there is the scarcity of meat in his diet and his conception of the value of meat as a health-giving food stuff. Then there is the ancient accepted native custom that the concealment of a theft is no crime, but assisting to commit one is. Nor is it a crime to eat the flesh of a stolen beast, even if it is known that the beast is stolen.

On 8 October 1971, a grazier was attacked by 7 unknown persons in broad daylight when he had taken out 20 goats for



CATTLE FAIR IN BHIL TERRITORY



grazing. The cattle thieves started pelting stones at the grazier. They were armed with bows and arrows and they had with them a gun also. They did not, however, intend to kill the grazier; in fact it was not necessary to do so since the grazier bolted and the thieves could lay their hands on the goats without much ado.

The total value of the property involved in all the crimes during the year 1971 was Rupees 290,000 and out of this, the value of cattle stolen was in the neighbourhood of Rupees 118,000 (40.68 per cent). Another important fact to be noted is that nearly 1282 crimes, which included 25 dacoities, 281 house-breakings and 344 thefts and involved arrest of nearly 2500 persons could account for property, the total value of which was less than Rupees 300,000—a really insignificant figure. The average value of property stolen per crime in the course of house-breaking, cattle and other kinds of thefts works out to Rupees 208. This shows how poor the district of Jhabua and its people are and how heinous crimes are committed for inconsequential gains. The prevalence of acute poverty in the Bhil country may offer a plausible explanation for this phenomenon.

The year 1972 had a tally of 106 homicide cases. This was very close to the number of the previous year. Incidentally, this is an indication of the fact that the socio-economic conditions remained more or less the same during the years 1971 and 1972. The cases under the other crime heads were:

Rape	12
Kidnapping and abduction	60
Dacoity	26
Robbery	50
House-breaking	99
Cattle theft	41
Other thefts	165
Excise offences	150

In all, 3260 persons were arrested in connection with all the crimes committed during the year. This figure includes 251 persons arrested on charges of homicide. The table on page 129

shows the number of persons arrested in connection with cognisable offences and also their age-wise distribution. Obviously, the majority of culprits belong to the age-group 21-40 years. It is also to be noted that women have indulged in homicide, kidnapping and thefts. Further, out of 26 murders attributed to the age-group with the upper limit of 21 years, 1 was committed by a boy in the age-group of 12-16 years, 9 accused belonged to the age-group of 16-18 years and the remaining 16 to the next higher bracket of 18-21 years.

Property offences, numbering 1360, including dacoity, robbery and thefts were reported to the police. The total value of the property involved in these offences was Rupees 362,000 only. The number of persons arrested in connection with these crimes was 1093. The average value of property per crime under the crime heads, house-breaking, cattle theft and other thefts worked out to Rs. 261, Rs. 248 and Rs. 105 respectively.

As in the previous year, among the homicide cases, there was only one in which a non-tribal was the victim, otherwise, in all the remaining cases, the assailants as well as the victims were the tribals. According to the established motives of murder, the break-up of 146 cases is as follows:

Some material gain	9
Property dispute	14
Personal enmity	43
Sex	19
Sudden provocation	12
Other reasons	49
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	146
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In 18 cases, near and close relatives were eliminated. In 6 cases, husbands killed their wives, in 4 cases brothers killed brothers, in 2 cases sons killed fathers, in 1 case the father killed his son, in 2 cases the elder brother's wives and in 1 case the mother were killed. The weapons of offence were bows and arrows (68), axe (6), 'phalia' (25), sword (3), guns (3) and

Crime	Number of persons arrested	Age and sex-wise distribution of the accused					
		Less than 21 years		Between 21 and 40 years		More than 40 years	
		Male	Female	Male	Female	Male	Female
Murder	251	26	—	196	3	26	—
Rape	16	2	—	13	—	1	—
Kidnapping/abduction	208	28	1	155	2	21	1
Dacoity	145	15	—	119	1	10	—
Robbery	115	14	—	84	—	7	—
House-breaking	218	22	1	169	4	21	1
Cattle thefts	317	42	—	242	4	29	—
Other thefts	313	36	2	225	7	42	1

'lathis' (14). Obviously, arrows and 'phalia' were employed the most for killing people.

The year 1972 opened with a murder on 30 January. The deceased went to fetch his wife from his father-in-law's house. His brothers-in-law refused to send their sister with him. That resulted in an altercation and finally the brothers assaulted their sister's husband with arrows and lathis and caused his death. On 11 March 1972, a man killed his brother with an arrow, the bone of contention being a 'toddy' tree. On 22 November, Vesta was killed in a fair held in village Badijuari. Actually, the deceased was taking part in a dance. His wife had been taken away by Inder Singh about one and a half years before the day of occurrence. As if this was not enough, the group belonging to Inder Singh killed him in the fair by shooting arrows at him.

A case of personal revenge resulting in death took place on 7 November 1972. Bhima and his associates had killed Kekkia's nephew, Gamaria in the year 1971. The matter was reported to the police, who held an investigation and sent the case to the court for trial. It so happened that the case could not be proved in the court and the accused persons were acquitted. Kekkia could not reconcile himself to this acquittal and on 7 November, he attacked Bhima with arrows and killed him. Tej Singh, a resident in the jurisdiction of police station Raipuria, requested his father to give him 2 silver bangles, which Tej Singh wanted to pawn to a local moneylender in order to get a loan. This was not approved by Tej Singh's father. Thereupon, Tej Singh hit his father so hard on his temple with a stick that the latter died. On the night of 9 December 1972, Vasna Bhil and his companions entered the house of Raoji Bhil. The party was armed with bows and arrows. It took away some goats belonging to Raoji. On being resisted, Vasna attacked Raoji with arrows and caused his death. The total value of the property stolen by Vasna was Rs. 313 only, but the raid resulted in the loss of human life.

In the year 1973, 117 cases of homicide were reported to the district police. Compared to the 146 cases of the previous year (1972), the year 1973 showed a downward trend. An analysis of the homicide cases of 1973 showed that, as in the preceding

2 years, there was only 1 homicide in which the victim was a non-tribal; in the remaining 116 cases, the culprits as well as the persons done to death happened to be tribals. The usual weapons of offence were used; out of 102 cases in which deaths were caused by these weapons, 50 were attributed to bows and arrows and 26 to 'phalia'.

The first homicide in the year 1973 occurred on the midnight of 4 January. The assailant Moyra killed Kishen and Kanji, while they, along with two other persons were sleeping in their fields. Both the deceased had raped the wife of Moyra. He had been waiting for a suitable opportunity to avenge himself. At midnight, under the cover of darkness, Moyra reached the field and attacked Kishen and Kanji with his axe. Both the victims succumbed to their injuries. The second homicide in the month of January 1973 took place on the 13th, when Lakha killed his own brother Manglia. Both had gone to a village market at Umrali, where they got drunk. While they were returning, Lakha pushed his brother into a stream and when the latter fell down, Lakha started hitting him with stones. That resulted in Manglia's death. Lakha made a fake report at the police station at Bakhatgarh saying that some unknown person had caused Manglia's death. Police investigation revealed that the 2 brothers had quarrelled earlier over ownership of land and the motive of crime was to eliminate Manglia. In the month of February, a case was reported at the police station at Bori that a person had killed his wife. The murder took place on 1 February. The assailant had been unwell for a long time. He suspected that his illness was caused by his wife who was allegedly practising witchcraft. One day, the man became desperate and killed his wife with a 'phalia'. On the midnight of 24 and 25 April, Kachru entered the house of Noorji Bhil and killed him. Having killed him, Kachru removed the silver bangles from Noorji's wrist; he wanted to set afloat a story that Noorji had been killed by some burglars. But that was his undoing. It was on the basis of the recovery of those silver bangles from Kachru's possession that he was prosecuted by the police for homicide. The real motive behind the crime was not the gain of Noorji's silver ornaments. In fact, Kachru was having a love affair with Noorji's wife and wanted to marry her. It was to eliminate Noorji that

Kachru murdered him. In the area of the police station at Bakhatgarh, a murder took place on 17 June 1973 and it was reported to the police the following day. Nayakda Bhil was sleeping in his house along with his wife. In the night, 3 persons entered into his house and killed Nayakda with their axes. They also took away Nayakda's clothes of the value of Rupees 38. The police investigated the incident and found that one of the assailant was Mohar Singh and that it was he, who along with two of his companions, had entered Nayakda's house and killed him. This Mohar Singh happened to be Nayakda's own son by his first wife. He was living separately and was demanding certain lands as his share in the property. Since his father Nayakda was not acceding to Mohar Singh's request, the latter decided to kill him. It was in the month of July that a Bhil woman Chamaidi took an axe and dealt such a hard blow to Manjaria Bhil that the latter died on the spot. The deceased was the assailant's husband and was a chronic drunkard. He would not only drink a lot of liquor but would also frequently beat his wife Chamaidi. He was also throwing away the hard-earned money of the family on liquor, as a result of which the family had been reduced to abject poverty. On the night of 9 July, Manjaria, as usual, consumed liquor, thrashed his wife soundly and then went to sleep. Life had become intolerable for Chamaidi; therefore she, in a fit of desperation and anger, aimed an axe-blow at the neck of her husband and killed him. Door Singh, a resident of village Gongsra, lost his life just because he asked another Bhil Dheda to pay the hire-charges of his bullocks. The amount involved was just a few rupees. Door Singh had lent his bullocks to Dheda sometime in the year 1971, but the latter did not pay the hire-charges in spite of repeated reminders. On 17 August, Door Singh went to the village market at Umralli and during his return journey he went to Dheda's house and insisted that Dheda should honour and discharge his long-standing liability. But Dheda was in no mood to pay anything to Door Singh. There was an altercation, whereupon Dheda picked up his bow and arrow and shot at Door Singh who was struck in the chest and died. For the sake of a few rupees, Door Singh lost his life. Another homicide, without much reason, took place on 7 December 1973 in village Baladmoong in the jurisdiction of the police station at Jobat.

Khumla was quarrelling with his mother; such things happen almost every day and the quarrel was by no means serious. Somla happened to pass that way and when he saw the son and the mother quarrelling, he advised Khumla not to pester his mother. Actually, Somla had no business to intervene in the matter but whatever he did was obviously with good intentions. But Khumla did not heed his advice and continued to say harsh words to his mother. When Somla found that Khumla was not listening to him, he lost his temper and shot an arrow at Khumla. That ended Khumla's life.

Some Bhils have organised themselves into gangs and they occasionally attack and plunder villages. As pointed out earlier in this study, the Bhils were given to this kind of life in the by-gone days and in spite of deterrent punitive action taken by the Government against them, criminal tendencies still persist in certain pockets of the Bhil territory. To combat this menace, a careful watch is being maintained by the Government and the gangs are being liquidated. The old gangs do get eliminated but new gangs crop up here and there. There is, therefore, a constant tussle between the police and the Bhil gangs but, fortunately, the number of gangs is diminishing from year to year. 3 such gangs were liquidated in the year 1973.

The first gang was led by Makna and Vesta. They had been arrested sometime ago but managed to escape from the jail. The gang started operating in Jhabua district and looted a few villages. The police kept tracking the gang and succeeded in encountering them on 18 May 1973. Dacoit Vesta was shot dead on the spot but his companion Makna hid himself in the house of Lal Singh. Makna threatened to kill Lal Singh if he gave his whereabouts to the police. Lal Singh was not cowed by that threat and he himself killed Makna with his sword. In this way, the gang was eliminated. The second gang was led by dacoit Nazru Bhil of village Dehdala. He had been locked up in the jail at Alirajpur along with 25 of his gang members. In the year 1972, he, along with his companions, escaped from the jail. Soon thereafter, he reverted to the profession of looting and plundering the villages. In the area of the 3 police stations at Jobat, Alirajpur and Ambua, Nazru's gang made 11 raids. The gang followed hit-and-run tactics and avoided a direct confrontation with the police. However, on 21 October 1973, the

much sought-after encounter took place. Nazru's gang used bows and arrows to fight the police. It also had one muzzle-loading gun. However, in the encounter, the police were able to locate Nazru and killed him on the spot. That was the end of Nazru's gang. The people heaved a sigh of relief. The third gang led by Ram Singh Bhil, a resident of village Chamarbegda in the police station area Jobat, was liquidated on the midnight of 6 December 1973. The gang fought with the police using only bows and arrows and it had no gun on its side. The encounter resulted in the death of Ram Singh and the arrest of his accomplices. In the area of the Jobat police station, the gang had committed 2 murders, 2 dacoities and 5 house-breakings. The end of the gang was greatly applauded in the area.

The gang leader can sometimes be very cruel towards his companions; this usually happens when the gang is retreating and the gang leader apprehends that a member, who as a result of injury, is not able to make good his escape, may divulge the secrets of the gang to the villagers or to the police. An incident of this nature took place in village Sagwa, near the police station at Bori on 26 April 1973. A gang raided the house of Motla Bhil and looted property of the value of Rupees 220. When the gang was in the process of leaving the village, Motla Bhil raised an alarm as a result of which the villagers rushed out of their houses to give chase to the gang. One member of the gang fell down and could not run. Thereupon, the other members of the gang severed with swords the head and the limbs of the fallen companion. This was done primarily to escape identification by the police. However, as a result of police investigation, the gang was hunted and caught. It had its origin in the neighbouring district of Dhar.

The Bhils do not like outsiders settling down in their villages with a view to practising agriculture. If a villager is unable to cultivate his land because of lack of resources or other reasons, he is expected to lease out his land to the resident of the village and not to an outsider. In spite of repeated requests and warnings by the villagers, Bashir Mohammad of village Netda, near the police station of Jobat, continued to lease out his field to a resident of village Umri. The Netda villagers did not like this arrangement and one day on 4 July 1973, 6 persons killed Bashir Mohammad with arrows. They even took away a gun belonging



to the deceased. This was later on recovered by the police from the assailants.

Apart from 117 cases of homicide, the year 1973 saw the commission of the following crimes:

Rape	5
Kidnapping/abduction	39
Dacoity	55
Robbery	64
House-breaking	400
Cattle thefts	719
Other thefts	525
Excise offences	94

The number of persons arrested in connection with these crimes were:

Homicide	188
Rape	11
Kidnapping/abduction	75
Dacoity	278
Robbery	87
House-breaking	275
Cattle thefts	449
Other thefts	451
Excise offences	120

The age-wise distribution of persons connected with various crimes has been shown below:

Crime	Number of arrested persons	Age and Sex-wise distribution					
		Less than 21 years of age		Between 21 and 41 years of age		More than 41 years of age	
		Male	Female	Male	Female	Male	Female
Murder	188	34	—	136	1	17	—
Rape	11	—	—	11	—	—	—
Kidnapping/ abduction	75	18	—	54	—	3	—
Dacoity	278	20	—	240	2	16	—
Robbery	87	11	—	74	—	2	—
House-breaking	275	40	—	210	4	21	—
Cattle thefts	449	56	—	355	3	35	—
Other thefts	451	79	1	334	7	30	—

A further break-up of the 34 persons below 21 years involved in homicide is:

Between 7 to 12 years	1 person
12 to 16 years	9 persons
16 to 18 years	1 person
18 to 21 years	23 persons

According to the different motives of crime, the distribution of 117 cases of homicide is as follows:

Some material gain	4
Dispute over property	16
Personal enmity	32
Sex	9
Sudden provocation	8
Superstition	3
Other reasons	45

The total value of the property involved in these crimes was Rupees 390,000 with the following averages per crime:

House-breaking	Rs. 217
Cattle theft	Rs. 256
Ordinary theft	Rs. 130

There was a spurt to homicides in the year 1974; the total number recorded by the close of December 1974 was 171. In 138 cases of homicide, these weapons were used: arrows in 65 cases, 'phalia' in 26 cases, axe in 5 cases, sword in 7 cases, gun in 9 cases and 'lathis' in 26 cases. 5 homicides were committed with the motive of gain for money, 14 were connected with property disputes, 47 with personal enmity and 13 with sex. 16 murders were the result of sudden provocation and 7 lives were lost because of superstition. Other unclassifiable motives accounted for 69 murders.

On 21 February 1974, Nabla killed Rangoo with an arrow. Rangoo was carrying on a love affair with Nabla's wife and in spite of several warnings by Nabla, did not discontinue approaches to his wife. Nabla came to the conclusion that there was no way left but to teach a lesson to his wife's paramour. Normally, it is the woman who is the usual victim of the husband's wrath but in this case, the angry husband settled his score with the man who was attempting to jeopardise his conjugal happiness. 2 women were done to death because they were suspected of witchcraft. The first incident occurred on 14 February 1974 and the other on the 18th of the same month. The former took place in a village falling within the jurisdiction of the police station at Sorwa and the latter within the area of the police station at Ambua. The women murdered were Rayali and Kanbai. Both the deaths were caused by arrows. The assailants could be apprehended by the police without much effort. On the night of 3 March, Jhangia quietly went to the field of his victim and killed him with his sword. The motive of crime was to take revenge because in a criminal case, the deceased had appeared as a witness against Jhangia's father. This happened in the jurisdiction of the Ranapur police station. Almost on the same day, another murder took place in the jurisdiction of the Bori police station. Mangoo killed his wife while she was sleeping in the house. Trying to be clever, he raised an alarm to the effect that someone else had killed his wife. The villagers collected in his house and some even started looking for the person who had allegedly killed Mangoo's wife. The matter was reported to the police, who took hardly any time in locating the real culprit. The situation was reversed by a woman named Thopli in the area near the police

station at Sorwa. Her husband used to torture her in many ways and there were frequent quarrels in the family. On 12 March 1974, the husband forced Thopli out of the house and asked her not to return to him. This happened during daytime. After this quarrel, the husband had a good drink of 'toddy,' perhaps to relieve himself of the tension which overtook him when he quarrelled and threw out his wife. Thopli remained in the village waiting for an opportunity to deal suitably with her husband. When the man became intoxicated Thopli went near him and struck him with a 'phalia'. That ended her husband's life.

The Bhils are very sensitive and touchy and their reactions are difficult to predict. Strong language used may just evoke a smile or a laughter, but sometimes a much milder remark may throw a Bhil into a real rage and he may retaliate by shooting an arrow or by attacking with his 'phalia'. On 27 June, 2 Bhils went to attend a wedding. There they enjoyed themselves and consumed substantial quantities of liquor. Both were in a jubilant mood. While returning home, one remarked to the other that he was a grabber of land. Perhaps it was said by way of a joke; or perhaps, the Bhil expressed his frank opinion about his companion since intoxication had lifted the inhibition usually exercised in expressing one's opinion about others. Whatever may have been the motive or the basis of casting that aspersion, the companion just could not stomach it. He took out his arrow and fatally wounded his friend.

One of the notable achievements of the police in the year 1974 was the elimination of a gang led by Juban Singh Bhil. No less than 3 encounters took place; first on 10 January, the second on 16 May and the third on 17 July. The gang fought the police mainly with bows and arrows. The gang also had one 12 bore gun, which was used by the gang leader Juban Singh. In the third encounter, Juban Singh himself was killed. His gang had taken away a Bhil girl in one of the raids and she was recovered from the gang in the first encounter on 10 January.

As stated earlier, in the raids and thefts taking place in the villages, cattle are invariably taken away as a booty. This was repeated in a big dacoity, which took place on 28 January, 1974 in the jurisdiction of the police station at Ranapur. About 15 persons attacked a house and took away with them cattle

worth Rupees 2,360. The raiders fired their gun as a result of which the owner of the house was injured in his legs. The police moved into action promptly and apprehended 7 persons. On 10 June 1974, a gang looted a truck while it was going from Jhabua to Indore. This happened in the jurisdiction of the police station at Jhabua. The raiding party consisted of 7 persons. The usual *modus operandi* is to place big stones across the width of the road causing a vehicle to necessarily slow down and to stop. The looted property comprised of cash, bales of cotton and a few head of cattle. The police started their investigation and succeeded in apprehending all the culprits. Stolen property of the value of Rs. 8,765 was recovered.

The total number of crimes registered by the police between January—December 1974 were as shown below:

Homicide	171
Rape	12
Kidnapping/abduction	53
Dacoity	51
Robbery	2
House-breaking	21
Cattle thefts	41
Other thefts	16
Excise offences	170

The following is the number of persons arrested in connection with the above mentioned crimes:

Homicide	253
Rape	12
Kidnapping/abduction	168
Dacoity	289
Robbery	111
House-breaking	257
Cattle thefts	398
Other thefts	444
Excise offences	199

The age-wise distribution of the culprits is as under:

**DISTRIBUTION OF ACCUSED ACCORDING TO AGE AND SEX**

<i>Crime</i>	<i>Less than 21 year of age</i>		<i>Between 21 and 40 years of age</i>		<i>More than 40 years of age</i>	
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
Homicide	40	1	188	3	20	1
Rape	—	—	12	—	—	—
Kidnapping/ abduction	31	—	122	7	8	—
Dacoity	29	—	241	—	19	—
Robbery	15	—	89	—	7	—
House-breaking	30	—	206	1	20	—
Cattle thefts	34	—	307	2	55	—
Other thefts	79	3	307	4	47	4

Among the persons arrested for homicide, out of 41 (shown in the age-group with the upper age-limit of 21 years) 9 were between 12 and 16 years, 3 between 16 and 18 years and the remaining 24 belonged to the age group 18 to 21 years.

The total value of property connected with the dacoity, robbery and thefts worked out to Rupees 422,000. Out of this, the amount attributable to cattle theft was Rupees 231,000. The average value of property per crime was:

House-breaking	Rs. 277
Cattle thefts	Rs. 369
Other thefts	Rs. 152

The year 1975 accounted the following number of crimes and persons arrested in connection therewith:

## CRIME IN 1975

<i>Crime</i>	<i>Number of crimes committed</i>	<i>Number of persons arrested</i>
Homicide	116	229
Rape	9	10
Kidnapping/abduction	40	91
Dacoity	67	402
Robbery	71	120
House-breaking	207	179
Cattle thefts	395	395
Other thefts	376	468
Excise offences	313	329

The following is the age-wise distribution of the arrested persons:

<i>Crime</i>	<i>Age-wise distribution</i>					
	<i>Less than 21 years</i>		<i>Between 21 and 40 years</i>		<i>More than 40 years</i>	
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
Homicide	19	—	162	2	46	—
Rape	1	—	8	—	1	—
Kidnapping/ abduction	9	—	74	1	7	—
Dacoity	41	—	321	—	40	—
Robbery	7	—	106	—	7	—
House-breaking	13	2	149	2	13	—
Cattle thefts	12	—	359	1	23	—
Other thefts	52	3	352	20	35	6

A further break-up of the 19 persons below 21 years of age involved in homicide is as follows:

Between 7 to 12 years	1 (male)
12 to 16 years	2 (male)
16 to 18 years	3 (male)
18 to 21 years	13 (male)

The total value of the property connected with dacoity, robbery and cattle theft was Rupees 450,000. The cattle theft accounted for Rupees 293,000. The average value of property per crime was:

House-breaking	Rs. 261
Cattle thefts	Rs. 480
Other thefts	Rs. 174

The motives for the 116 homicide cases were:

<i>Motive</i>	<i>Number of homicide cases</i>
Some material gain	9
Property dispute	16
Personal enmity	18
Sex	9
Sudden provocation	25
Superstition	—
Others	39
	<hr/> 116 <hr/>

<i>Weapons used in the commission of homicide</i>	<i>Number of cases</i>
Bow and arrow	51
'Phalia'	27
Gun	3
'Lathi'	5
Stones	7
Axe	4
Sword	1

The year 1975 opened with a homicide on the 1 January reported at the police station at Sorwa, as if for the homicide-ridden district of Jhabua, that was the most appropriate thing to ring in the new year. The victim of homicide was a woman named Vesti. Her body was found in a forest



close to her village. About 3 days prior to the recovery of the dead body, Nathia and his companion came to Vesti's house and took her away with them. Vesti's father was not at home; he had gone to Alirajpur to appear as a witness in some court case, otherwise he would have stopped Nathia from taking away his daughter. However, when he returned home, the matter was reported to him by his wife. Thereupon he lodged a report with the police at Sorwa. Police investigation revealed that the culprit Nathia had an illicit relationship with Vesti, although he was married to another woman. It so happened that Nathia's wife left him and went to live with some other man. That shocked Nathia and he suspected that it was Vesti's father who had prevailed upon his wife to divorce him and to live as some other man's wife. Nathia and Vesti's father had quarrelled in the past on this account. It was during the course of that quarrel that Nathia had threatened that either he would take away and keep Vesti as his wife or he would kill her. According to the Bhil customs, particularly in regard to the restrictions imposed on marriages in the same clan, Nathia could not have married Vesti; therefore, Nathia chose the second alternative of killing her. On 2 March, a woman, Vesa, who was suspected of practising witchcraft, was done to death by Gulab Bhil, a resident of village Jhai. Actually, Vesa had been married to Gulab Bhil and stayed with him as his wife for nearly 2 years. Gulab's mother, however, fell ill and in spite of all kinds of treatment did not show any improvement. Gulab, perhaps at the instigation of his mother, began to suspect his wife of witchcraft and attributed his mother's illness to her. Vesa did not like that accusation and returned to her father's house. After some time, Vesa's father married her to another person, Bhursingh Bhil of village Rama. In the month of March, Vesa came to her father for a short stay. Gulab came to know of the presence of Vesa in the village; thereupon, he, along with another person, went there and killed Vesa with an arrow. A totally uncalled-for murder took place on 25 February in the area of the police station at Alirajpur. The assailant asked a woman whether her son was at home. The woman replied rather curtly that her son was away at Alirajpur. Perhaps she got irritated at the enquiry and questioned the assailant's authority to know the whereabouts of her son. The behaviour of the woman threw that man

into a rage. He upbraided the woman for being insolent and then hit her with a stick on her head, which resulted in her death. Another homicide of a similar nature occurred on 8 March 1975 and was reported at the police station at Alirajpur the following day. Thawaria Bhil killed a man with his arrow just because he blew a whistle of challenge at him when they crossed each other on the road. On 27 March, a man committed sexual intercourse with Sukabai and later on killed her. Sukabai was going to see the Bhagoria festival in village Para. The culprit met her on the way. They had entered into sexual congress before and therefore both were known to each other intimately. The woman had been married to another man and perhaps this was not relished by the culprit. He took Sukabai aside to a lonely place, had intercourse with her and finally killed her with his 'phalia'. Sadia, under the jurisdiction of the police station at Sorwa, was having strained relations with his wife Nayakdi. There were frequent quarrels between them because Nayakdi was having illicit sexual relations with her husband's younger brother. On the night of 2 August 1975, while Sadia was asleep in his own house, Nayakdi attacked him with an axe and killed him. On 11 October, Dharsingh returned to his house and found that his wife had not cooked food for him. He scolded her for neglecting her duties and asked her to prepare food without any further delay. The wife flatly refused to do any cooking for him. Dharsingh was so infuriated that he hit his wife with an iron bar and killed her. The matter was reported at the police station at Thandla the following day. A rather gruesome murder took place on 18 November in the jurisdiction of the police station at Sondwa. Chena killed his own father after cutting off his genital organs. He then hanged him by a rope in the house, attempting to create the impression that his father had committed suicide by hanging. The truth of the matter was that Chena, the assailant, had seen his father in sexual congress with his elder brother's wife. Chena felt so disgusted that he not only severed the offending organ from his father's body but also killed him. *The following day, he himself went to the police station and reported that his father had committed suicide.* However, the police investigation revealed the true facts which resulted in the prosecution of Chena on the charge of killing his father. Dhanji and his three companions would climb up 'toddy'

trees and bolt with the juice. The owners of the trees were fed up with such thefts. In spite of several pleadings, Dhanji did not give up this habit. Since he was a bit of a bully, the people were afraid to have a direct confrontation with him. On 8 December, Dhanji again climbed up the tree for his usual drink of toddy. Little did he realise that the owner of the tree had put poison into the pot. Dhanji was the first to take a big gulp, since he was the leader of the gang. His companions also drank whatever was left after the leader had quenched his thirst. The poison started having its action and Dhanji died on the spot, whereas his 3 companions had to be taken to hospital for treatment.

A sensational hold-up took place on the night of 24 April 1975, when in the area of the police station at Jhabua, a gang of Bhils plundered a luxury public transport bus going from Indore in Madhya Pradesh to Ahmedabad in the neighbouring province of Gujarat. The usual tactics of putting big boulders along the entire width of the road was adopted by the raiders. The bus slowed down and finally came to a halt. As soon as the bus stopped, nearly 30 Bhils armed with bows, arrows, 'phalia' and a gun threw stones at the bus and also surrounded it. The gang also fired gun-shots in the air with a view to scaring the passengers. Thereafter, the gang relieved the passengers of their cash, clothes, transistor radio sets and other valuables. The total value of the booty was about Rupees 20,000. The news about the hold-up reached the police, who rushed to the spot and succeeded in rounding up 15 raiders. The police could also recover stolen property of the value of Rupees 19,000. There was no loss of life.

The climax came when the Bhils took it into their heads to attack and plunder passenger railway trains on 2 occasions.

On 19 December 1973, between 7 p.m. and 8 p.m., about 30 Bhils stopped the 23-down Janta Express train by pulling the chain a little beyond the Meghnagar railway station while the train was going from Bombay to Delhi. When the train stopped, the Bhils started carrying away goods from the bogie next to the engine. The passengers in the neighbouring bogie started objecting and shouting. The raiders, injured them with 'dharியas' and they also started depriving the passengers of articles such as transistors, tape recorders, suit cases, watches, ornaments and

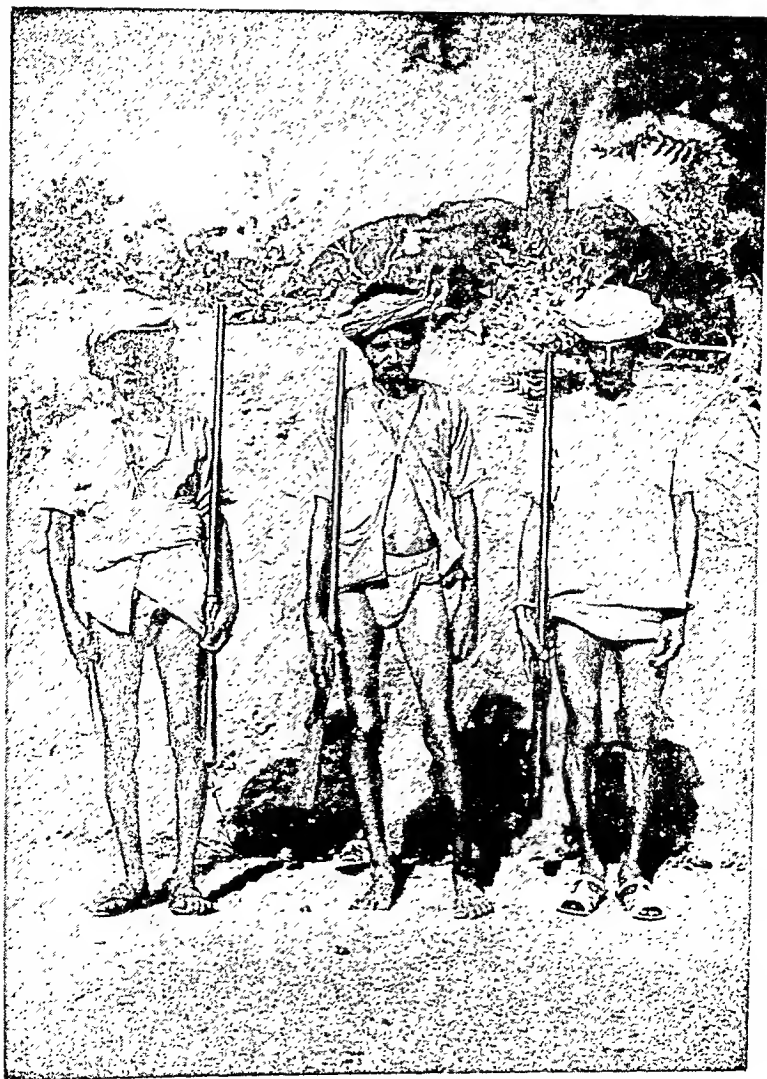
cash. The raiders also took away fruits, vegetables and clothbales from the parcel van. The total value of the looted property was estimated at about Rs. 30,000.

During the course of investigation, property worth about Rs. 14,000 was found abandoned. No raider could be traced and therefore the case was closed by the railway police on 3 September 1974.

Another incident of looting took place on 20 July 1975 at about 4.30 a.m., when 10 Bhils stopped a Mathura-Baroda passenger train by pulling the chain at the flag station Nahargarh, while the train was going from Mathura to Baroda. When the train stopped, the raiders started looting the passengers travelling in a second class compartment. The property looted consisted of wrist watches, air-bags, bush-shirts, pants, clothes and cash worth Rs. 2,335.

Out of 10 raiders, 3 Bhils were apprehended by the police and prosecuted. Kalia Bhil, one of the accused persons, escaped from the judicial lock-up while the hearing of the case was in progress. The remaining accused, Kasan and Mithiya Bhil, were sentenced to undergo rigorous imprisonment for a period of 1 year each.

The marauding gangs are sometimes offered stiff resistance by the villagers where they go for loot and plunder. Regular fighting takes place; bows and arrows and even guns are used on both the sides. On the night of 9 March 1975, a gang entered the house of Bhurla of village Baledi and looted property of the value of Rs. 4,455. As the raiders were about to leave the village, Bhurla raised an alarm, which brought the villagers out of their homes. They armed themselves with bows and arrows and other weapons. There was a pitched battle in which arrows were used on both sides. One of the villagers Navalsingh was hit by an arrow, but on the side of the raiders Dalu Bhil, a resident of village Dayuda, was vitally hit and he fell down dead on the spot. Another culprit, Khuman Bhil, was also caught by the villagers. The rest of the raiding gang made good their escape. Finally, with the help of the police, the entire gang was caught and stolen property was recovered. A similar incident occurred on 9 May 1975. Kala Bhil of village Nawapada under the jurisdiction of the police station at Meghnagar, was sleeping in his hut which was at a little distance from the village.



BHIL GANG ARMED WITH MUZZLE LOADING GUNS

About 20-25 men raided his house. The raiders were armed with 'phalia', bows and arrows and also had one gun with them. They hit Kala Bhil with stones and started taking away his bullocks, cows and goats of the value of Rupees 4,787. Kala Bhil shouted for help. The villagers came out armed and the chase of the raiders began. A police party which was somewhere in the vicinity also joined the villagers in apprehending the raiders. The gang left behind the cattle and ran for their life. In the encounter, the raiders dropped their gun, which had an engraving of the name of the owner, Mala Mansingh. With the help of that evidence, the entire gang could be tracked down and caught by the police. Often, the raiding parties from the adjoining province of Gujarat and Rajasthan roam about plundering the villages in Madhya Pradesh and, similarly, the gangs having their origin in Madhya Pradesh raid the villages of these provinces. The police of the three provinces have to act in concert to keep crime under control and to catch the culprits, as and when the need arises.

It is not that all the homicide cases reported to the police end in conviction. Roughly, the rate of conviction is less than 50 per cent, as the following statement will show:

<i>Year</i>	<i>Homicide cases decided by the court</i>	<i>Number of cases which ended in conviction</i>
1971	105	59
1972	84	38
1973	116	51
1974	124	40
1975	108	49

Finally, a word about the offence of kidnapping and abduction. It has been mentioned elsewhere in the book that the Bhils very much like to win a bride through elopement because adventure and daring have been in their blood almost since the origin of the tribe. Arranged marriages are considered to be a drab and colourless affair devoid of suspense, thrill and romance, which are the necessary ingredients of such a wonderful thing

as the uniting of man and woman for life. It is for this reason that a large number of kidnappings take place in the Bhil country. Subsequent to kidnapping, the usual procedure of arriving at the bride-price and to settle other connected issues is followed. It is only if a settlement is not reached between the parties concerned that a case of kidnapping is pursued in court. And if, during the court-proceedings, an understanding is reached between the families of the boy and the girl, the witnesses summoned to give evidence in the court turn hostile, retract from their earlier statements made to the police and withdraw their support to the prosecution story. The case falls through and then the parties proceed with the celebration of the wedding. This is reflected in the large number of kidnapping cases registered with the police and the comparatively small number of cases actually put up in the court for trial. The conviction figures are still smaller.

#### KIDNAPPINGS AND ABDUCTIONS—JHABUA DISTRICT : (1971-75)

<i>Year</i>	<i>Cases pending with the police for investigation</i>	<i>Cases put up by the police in the court</i>	<i>Cases finally decided by the courts</i>	<i>Cases which ended in conviction</i>
1971	73	53	38	18
1972	84	60	22	7
1973	60	51	44	14
1974	59	43	43	21
1975	54	37	36	9

Although the crime incidence is quite high in Jhabua district, yet one should not form an opinion that the district abounds in people who are perpetually committing one kind of crime or the other and that the district can pride itself on having several gangs of professional criminals who specialise in homicide, dacoity, kidnapping and robbery. The actual picture is altogether different. There are, no doubt, some professional thieves and there are also some gangs of dacoits who indulge in loot and plunder. Apart from these, most of

the persons involved in homicide, rape and kidnapping are first offenders. A statement which covers the period 1971-75 shows how many among the accused persons for different crimes were previous convicts. The figures clearly show that out of the 1177 persons who were involved in homicide during the quinquennium, in question, only 3 happened to be previous convicts. Out of 54 persons involved in rape, there was not one person who had been convicted previously. 680 persons were prosecuted by the police on the charge of kidnapping but only 1 offender had been previously convicted for the same offence. The previous convicts figure more among the persons rounded up for dacoity but the habitual offenders are mostly those who happen to be members of one gang of dacoits or the other. The largest number of previous convicts are found among those who indulge in various kinds of thefts but this is the general pattern prevailing not only in Madhya Pradesh but in the country as a whole.

## CATEGORY OF OFFENDERS

(District—Jhabua : Period 1971-75)

<i>Crime</i>	<i>Fresh offenders</i>	<i>Offenders with 1 previous conviction</i>	<i>Offenders with 2 previous convictions</i>	<i>Offenders with 3 previous convictions</i>
<i>Homicide</i>	258 (1971)	—	1	—
	251 (1972)	—	—	—
	188 (1973)	—	—	—
	251 (1974)	1	1	—
	229 (1975)	—	—	—
<i>Rape</i>	5 (1971)	—	—	—
	16 (1972)	—	—	—
	11 (1973)	—	—	—
	12 (1974)	—	—	—
	10 (1975)	—	—	—



<i>Crime</i>	<i>Fresh offenders</i>	<i>Offenders with 1 previous conviction</i>	<i>Offenders with 2 previous convictions</i>	<i>Offenders with 3 previous convictions</i>
<i>Kidnapping/ abduction</i>	139 (1971)	—	—	—
	208 (1972)	—	—	—
	75 (1973)	—	—	—
	167 (1974)	—	1	—
	91 (1975)	—	—	—
<i>Dacoity</i>	155 (1971)	2	1	1
	139 (1972)	5	1	—
	278 (1973)	—	—	—
	273 (1974)	3	3	—
	367 (1975)	23	11	1
<i>Robbery</i>	59 (1971)	1	—	—
	115 (1972)	—	—	—
	87 (1973)	—	—	—
	110 (1974)	1	—	—
	118 (1975)	2	—	—
<i>House- breaking</i>	214 (1971)	6	—	—
	209 (1972)	4	3	2
	274 (1973)	—	—	—
	255 (1974)	2	—	—
	165 (1975)	8	4	2
<i>Cattle theft</i>	309 (1971)	4	—	—
	309 (1972)	2	4	2
	448 (1973)	—	1	—
	398 (1974)	—	—	—
	365 (1975)	24	5	1
<i>Other thefts</i>	312 (1971)	5	1	—
	307 (1972)	5	—	1
	447 (1973)	4	—	—
	442 (1974)	1	1	—
	434 (1975)	24	5	5

## Crime in Dhar District—1971-75

Next to Jhabua district, Dhar has the highest percentage of Bhil population and it is situated towards the north-east of Jhabua district. It has an area of 8149 sq. km. Its population as recorded in the 1971 census is 841,495; the Bhils constitute 53 per cent of the total population. This district has 3 distinctive geographic divisions; the northern part is a section of the Malwa plateau which has an elevation of 2000 feet above sea-level, the middle belt is covered by the Vindhyan ranges and the southern portion descends to an altitude of 1000 ft. and forms part of the Narmada valley. The Bhils inhabit the plateau and the Vindhyan ranges and the general level of socioeconomic development is more or less the same as obtaining in the neighbouring district of Jhabua.

The district is policed by 16 police stations and 6 outposts. The police force has a strength of 676 which includes police officers also. 1 police man has been provided for 4.42 square km. of area and 952 of population.

The crime situation during 1971-75 is reflected in the tables on pages 152-155.

On 9 July 1971, a group of Bhils armed with bows and arrows attacked village Chikapoti in the afternoon. The intention was to take away the cattle which had been sent for grazing to the village forest. When the cowherd saw the attacking party, they raised an alarm which brought the inhabitants of Chikapoti to the place of incident. By that time, the attacking group had taken possession of 13 head of cattle. There was a skirmish

## CRIMES COMMITTED IN DIAR DISTRICT

Year	Homicide	Rape	Kidnapping/ abduction	Dacoity	Robbery	House- breaking	Thefts
1971	57	6	13	8	19	218	717
1972	58	17	11	6	39	235	889
1973	50	15	9	18	44	450	1082
1974	81	13	23	29	45	596	1221
1975	62	18	14	30	115	434	894

## PERSONS ARRESTED IN CONNECTION WITH THE CRIMES

Year	Homicide	Rape	Kidnapping/ abduction	Dacoity	Robbery	House- breaking	Thefts including cattle thefts
1971	127	7	36	60	24	194	563
1972	109	29	30	28	51	209	826
1973	163	20	31	88	52	264	827
1974	160	21	74	167	44	349	936
1975	152	28	42	149	82	198	671

## AGE-WISE DISTRIBUTION OF PERSONS INVOLVED IN HOMICIDE CASES

Year	Age between 7 to 12 years		Age between 12 to 16 years		Age between 16 to 18 years		Age between 18 to 21 years		Age between 21 to 40 years		Age between 40 to 69 years	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
1971	—	—	1	—	—	—	10	—	80	—	36	—
1972	—	—	—	—	—	—	3	—	81	1	23	1
1973	—	—	—	—	3	—	8	—	125	5	22	—
1974	—	—	—	—	7	—	20	—	100	4	29	—
1975	—	—	1	—	—	—	1	—	103	—	45	2

## CATEGORY OF OFFENDERS

<i>Crime</i>	<i>Number of Offenders</i>			
	<i>Without previous conviction</i>	<i>With 1 previous conviction</i>	<i>With 2 previous convictions</i>	<i>With 3 previous convictions</i>
Homicide	127 (1971)	—	—	—
	109 (1972)	—	—	—
	162 (1973)	1	—	—
	160 (1974)	—	—	—
	152 (1975)	—	—	—
Rape	7 (1971)	—	—	—
	29 (1972)	—	—	—
	20 (1973)	—	—	—
	21 (1974)	—	—	—
	28 (1975)	—	—	—
Kidnapping/ abduction	36 (1971)	—	—	—
	30 (1972)	—	—	—
	31 (1973)	—	—	—
	74 (1974)	—	—	—
	42 (1975)	—	—	—
Dacoity	60 (1971)	—	—	—
	28 (1972)	—	—	—
	87 (1973)	1	—	—
	165 (1974)	2	—	—
	145 (1975)	4	—	—
Robbery	24 (1971)	—	—	—
	50 (1972)	—	—	1
	49 (1973)	2	—	1
	40 (1974)	1	2	1
	77 (1975)	3	1	1
House- breaking	198 (1971)	—	—	—
	188 (1972)	7	8	6
	251 (1973)	7	4	2
	336 (1974)	6	5	2
	184 (1975)	7	5	2
Theft	561 (1971)	1	—	—
	609 (1972)	8	—	—
	806 (1973)	19	1	1
	917 (1974)	17	2	—
	636 (1975)	28	7	—

## MOTIVE FOR HOMICIDE

<i>Year</i>	<i>Gain</i>	<i>Property dispute</i>	<i>Personal enmity</i>	<i>Sex</i>	<i>Sudden provoca- tion</i>	<i>Super- stition</i>	<i>Others</i>
1971	4	17	15	—	4	—	17
1972	8	9	7	1	8	—	25
1973	7	12	7	6	4	1	13
1974	8	14	22	8	8	1	20
1975	11	12	9	11	6	—	13

TOTAL VALUE OF PROPERTY INVOLVED IN THEFTS,  
ROBBERY AND DACOITY

<i>Year</i>	<i>Total value of property Rs.</i>	<i>Average value of property per crime Rs.</i>
1971	2,91,525	213
1972	2,72,881	209
1973	4,32,252	265
1974	7,56,421	272
1975	5,14,353	365

## CONVICTIONS IN HOMICIDE AND KIDNAPPING CASES

<i>Year</i>	<i>Homicide cases decided by the courts</i>	<i>Number of cases which ended in conviction</i>	<i>Kidnapping/ abduction cases decided by the courts</i>	<i>Number of cases which ended in conviction</i>
1971	40	18	9	2
1972	40	9	17	2
1973	41	10	3	1
1974	56	18	11	9
1975	68	21	11	3

between the attacking group and the villagers, as a result of which 2 of the raiders were killed. A similar incident took place on the midnight of 7 December 1971 in village Biloda. A group of 25-30 Bhils attacked the house of Nandram, killed his son by opening fire on him with a gun and decamped with property of the value of Rupees 1700. The police investigated the incident and were able to apprehend the culprits and to recover property of the value of Rupees 364.

The usual crime pattern continued in the year 1972, and there is nothing worth mentioning here about any of the incidents which occurred during this year. The first half of the year 1973 also saw the routine pattern of crimes taking place in the district. But on 13 August 1973 a life was lost because of a dispute over land. Soma Bhil was working in his field in village Batwadja. In the evening, 3 other Bhils reached his field, attacked and killed him. The weapons used were 'phalias'; the motive of the crime was dispute over land. Of the 3 culprits, Bahu and Rama, were sentenced to life imprisonment and the third accused, Mangu, was acquitted by the court. Madan Bhil killed Sobhalal on the night of 18 August 1973. Madan entered Sobhalal's house in order to commit theft. While Madan was in the process of collecting the stolen goods, Sobhalal woke up and raised an alarm. Madan assaulted and killed him and decamped with cash and jewellery. Later on, he was caught by the police and produced before the court on a charge of homicide.

Another land dispute resulted in the death of 3 Bhils, Luna, Sukhram and Puna. This happened on 2 October 1973 in the jurisdiction of the police station at Badnawar. In the morning at about 8 A.M. Luna and his sons were in their farm-house, when about 9 persons, armed with 'phalias', axes, swords and sticks attacked them. Luna and his 2 sons died on the spot. Having killed them, the raiders set fire to the hut. The police were able to locate and apprehend all the accused persons. On 29 July 1972, a Bhil attacked a hospital nurse because she did not agree to give an injection to his daughter in his presence. The nurse insisted that the injection would have to be administered inside a room and not in the open. That annoyed the Bhil and he dealt a blow with his 'pbalta' on the nurse. The court sentenced him to imprisonment for 6 years.

On 1 July 1973, Budha Bhil and his companions plundered the shop of Rusilal in broad daylight. The culprits caught hold of Rusilal and relieved him of his stock of wheat and maize. The police rushed to the spot and caught Budha and his companions. However, the court later on acquitted all the accused persons. Another shop was similarly attacked in the jurisdiction of the police station at Kukshi on the night of 19 February 1973. Thansingh, Joharia, Hadia and Mukkam Bhils looted a shop and decamped with silver ornaments worth Rupees 6000. The shopkeeper raised an alarm. The inhabitants of the village rushed out to chase the raiders. Thansingh and Joharia were badly hurt and fell down, whereas Hadia and Mukkam made good their escape. After a little while, Thansingh and Joharia succumbed to their injuries.

The incident of 11 January 1974 shows how the poverty-stricken Bhils are perhaps compelled to commit crimes even for petty gains, although in this process they land themselves in prisons. On this day, Kesarsingh, a cobbler by profession, went to the market of village Piplya near the police station at Tanda, to purchase some leather so that he could stitch a few shoes for which he had received orders from the villagers. He had on his person only Rupees 73. While he was going to the market, he was assaulted by 3 Bhils—Bhimsingh, Hiraji and Gyansingh—and was relieved of his money. The ethics of the Bhil dictate that money, cattle, jewellery and other things should be taken away from a person only after fighting with him and even if the man who is being deprived of his possessions does not intend offering any resistance, he must be hit with something, a stick or even with the hands, so that there is at least a ritual of a fight. A person has, therefore, to suffer some kind of bodily injury at the hands of the Bhils even though he may be willing to part with his things without getting involved in any form of fighting. In keeping with these traditions, Bhimsingh, Hiraji and Gyansingh gave the cobbler Kesarsingh a good beating with the result that he died.

In the month of February 1974, Madan Bhil of village Kharvali reported to the police that on the previous night his mother Nurli had taken his father Besia to the house of a constable, Tularam, and that on the following morning Besia's dead body had been found hanging from a tree. This report was lodged in



the police station Tanda on 14 February at about 11 A.M. Immediately, therefore, police investigation started, which revealed that Besia had been killed by his wife in complicity with the constable. Nurli was employed as a maid-servant by Tularam on a salary of Rupees 10 per month and she also used to be given meals by her employer. In course of time, intimacy developed between Tularam and Nurli and both of them decided to eliminate Besia so that they might continue their love affair without any interference from Besia. Poisoned liquor was served to Besia when he arrived for his dinner and the result was that he died on the spot. Thereafter, Tularam and Nurli took the body to a nearby grove and tied it to a tree with a rope; the intention obviously was to make others think that Besia had committed suicide. Nurli broke down during the course of police investigation and related the whole incident as it had occurred. Both Tularam and Nurli were prosecuted for murdering Besia.

Another death took place in a quarrel over the right on the *juar* (sorghum) crop. Bheru Bhil, the younger brother of Dalla, had turned into a vagabond and was not helping the family in the cultivation of the lands. Their father had died a few years ago but the mother was alive. Since Bheru was not doing any work on the field and was of no help to the family in other matters, he was told to look after himself and not to expect any help from his brother or mother. The '*juar*' crop ripened in the month of September. At that time, Bheru appeared on the farm and started harvesting the crop which stood in the field. Dalla stopped him from doing so. That infuriated Bheru and he shot an arrow at Dalla. Fortunately, the arrow missed Dalla and he ran for his life to the village. The villagers intervened and pacified Bheru, but after a short while, he again came to his mother's house armed with a lathi. He dealt a blow at his mother and when Dalla attempted to save the mother, Bheru chased him away. Again the villagers came out and caught hold of Bheru but when they came to Dalla's house, they found that his mother was lying dead on the ground.

- On 21 July 1974, Bala went to village Davia near the police station at Dharampuri to fetch his wife Premi, who had gone to stay for some time with her parents. She had spent nearly 6 months at Davia and was not showing any inclination to return. Bala reached village Davia on the same day, i.e., 21 July. On

the following morning, both he and his wife Premi went to the village forest in order to fetch some fuel. While they were in the forest, Premi gave him cooked bread to eat. Bala started feeling sick after eating the bread and after some time, died. Police investigation revealed that Premi had mixed rat-poison in the maize-flour of which the bread had been prepared. Obviously, Premi did not intend to continue her life as Bala's wife and therefore, she decided to eliminate him. She thought that by administering rat-poison to Bala she would escape indictment for homicide as it would be difficult to discover the cause of death. But the illiterate tribals do not realise that forensic science has advanced considerably and that it is not a difficult task to ascertain the cause of death. Chemical analysis revealed the true cause of death and on interrogation by the police, Premi confessed her guilt.

On 1 November 1974, Sangbai reported to the police that Shahbai, who was married to her elder brother had been attacked with sword and 'phalia' by Ramsingh and his father Juwansingh. Shahbai had been earlier married to Ramsingh but had later on left him and accepted Sangbai's elder brother as her husband. On the day of the incident, Sangbai and Shahbai were returning home after harvesting the paddy crop in their fields and it was then that Juwansingh tried to kill Shahbai. Sangbai raised an alarm at which both Juwansingh and Ramsingh fled. Although Shahbai received serious injuries on her hands, head and back, she did not die. Both the culprits were apprehended by the police and prosecuted in court.

A rather unusual quarrel took place between a Rajput and a Bhil on 4 December 1974. Dola Bhil and his companions sacrificed a goat and later on distributed the meat among the Bhil families living in the village. As this was being done, Lalsingh Rajput appeared on the scene and demanded that he too should be given some meat. The Bhils told him that since he was a Rajput and did not belong to the Bhil community, he was not entitled to any share in the meat. The Bhils further pleaded with Lalsingh that he should not interfere with the affairs of the Bhil community. Lalsingh became enraged. He went to his house, took out his sword, came to the spot where the distribution of meat was in progress and attacked Nathuram Bhil, who happened to be sitting close to Dola Bhil.

Nathuram was taken with surprise. He tried to ward off the blow by his hand with the result it was completely severed from his body. Nathuram's wife also rushed to protect him and she too was hit by Lalsingh Rajput. After a scuffle, Lalsingh was overpowered and taken to the police station. It is rather curious that the Bhils just took Lalsingh to the police station and did not inflict any bodily injury upon him.

If the Bhils indulge in any crime, they intend to make a thorough job of it. An example of this attitude came to light in the police report of the year 1974. The incident took place on 14 January. 3 women, Saraswati, Shanta and Rajal, were returning from their fields in the evening when they were attacked by 6 Bhils, who were armed with 'lathis,' bows and arrows. Rajal managed to escape and ran towards the village but Shanta and Saraswati could not do so. They were relieved of the gold and silver ornaments which they had on their persons. It so happened that Saraswati was wearing a pair of thick silver anklets and these did not come off easily from her feet. The culprits, therefore, took her to a nearby forest and with the help of stones took off the anklets. Having done that, they released Saraswati and let her go to her house. The culprits managed to dispose of the ornaments, but, perhaps through inadvertence, the silver anklets remained with Kukadia Bhil, who had played a leading role in the waylaying of the three women. The police were able to catch Kukadia and his accomplices on the basis of the recovery of the anklets from him. Kukadia was sentenced by the court to undergo rigorous imprisonment for a term of 6 years. If the gang had been satisfied with the possession of the ornaments other than the pair of the anklets, the outcome of the case could perhaps have been different. However, the thieves evidently thought that they should be thorough in their job and should not allow anything which is worth stealing to slip out of their hands. But that was their undoing.

Kamalchand and Sobagmal, two merchants, were going on their motorcycle from Tanda to Ringnod on 7 April 1974. While they were negotiating a curve in a hilly area, they were stopped by about 10 Bhils, who were armed with one gun and bows and arrows. The leader of the gang was Nathu Bhil. The gang relieved Kamalchand and Sobagmal of their cash, watches and even the clothes they were wearing. The total booty was of the

value of Rs. 665. The police were able to apprehend all the culprits and also to recover property worth Rs. 315. The court sentenced the culprits to undergo rigorous imprisonment for a term of 1 year each. Another incident of looting took place on the midnight of 11 April 1974, when a gang of about 40 Bhils raided the house of Bhagirath Patel of village Morgaon. Budhia, Ritu, Dagalia, Tolya, Indusingh and Jhetria Bhils were the main operators in the gang. The remaining persons formed the supporting force. The house of Bhagirath was ransacked and cash, ornaments and cattle worth Rupees 6000 were collected as booty. While this was going on, the villagers collected in close proximity to Bhagirath's house with a view to opposing the raiders. Bhagirath's son used his gun and fired a few shots at the raiders. That accounted for the death of Indersingh Bhil. Leaving him behind dead, the gang retreated. The other members of the gang were later on apprehended by the police and a major portion of the stolen property was recovered. Tolya and Jhetria Bhils were sentenced by the court to undergo rigorous imprisonment for a term of 5 years each. The dacoity in village Morgaon was followed by another on the night of 18 May 1974 in village Mohanpura near the police station at Gandhwani. A gang of 10 Bhils entered the house of Manglya Bhilala at about midnight. The *modus operandi* was that the Bhils, immediately after breaking into the house, started beating Manglya and his brother. It was a rich family and had kept considerable valuables and cash in the house. Presumably, the gang led by Bathu and Kelsingh came to know of this fact. They had a field day and collected ornaments and cash worth more than Rupees 42,000. No resistance was offered either by Manglya or the villagers and therefore, the gang could easily decamp with the booty. However, Manglya easily recognised some of the Bhils in the raiding gang and with the help of this information the police could easily round up the culprits. Only articles worth Rupees 7000 could be recovered from the gang. On the completion of the court proceedings, Bathu, Kelsingh, Jayaram, Kunwarsingh and Jhagdya Bhils were ordered to suffer rigorous imprisonment for a period of 5 years each.

It was on the midnight of 29 January 1975 that Bishan Bhil returned to his house after an absence of almost the whole day. He knocked at the door and when his father Fattu let him in, he

asked for water to drink and said that he had been hit with an arrow. Fattu went towards the earthen pots to fetch water for his son, but by the time he returned, Bishan fell on the ground in an unconscious state. Fattu noticed that Bishan had been hit on his chest with an arrow and that it was sticking into the flesh. Soon thereafter, Bishan breathed his last. The police investigated the incident and put up a case in the court producing Laxman Bhil of village Biluani as the accused murderer. Since adequate evidence was not forthcoming, the court acquitted Laxman of the charge of homicide brought against him. Another incident in which arrows were used to kill a person occurred on 21 March 1975. Janglia Bhil of village Lohari was returning from Manawar after seeing the Bhagoria festival there. He was accompanied by his brother-in-law Jamsingh of village Bharadpura. Both were going to Jamsingh's village. When they passed in front of the liquor shop, they saw Harisingh and Bishan, both Bhils, sitting at the shop. They were armed with bows and arrows. Harisingh aimed an arrow at Janglia which hit him on his temple. Bishan also did likewise and the arrow released by him also hit Janglia on his temple. Janglia fell down on the ground. Jamsingh raised an alarm at which Harisingh rushed towards Janglia, took out both the arrows from his temple and then bolted. The motive of crime was that Harisingh had eloped with the wife of Jamsingh's son but after some days, the girl deserted him also. Harisingh suspected that Janglia was the person who had frustrated his scheme of making Jamsingh's daughter-in-law his wife. He, therefore, decided to kill Janglia. The Bhils are excellent marksmen as far as archery is concerned and it should not surprise any one that both Harisingh and Bishan could hit Janglia exactly on his temple.

Ramlal Bhil was sleeping in his house along with his family members. At about 3 A.M. on 10 February 1975, 4 Bhils entered his house and the first thing they did was to hit him with a stick. Fattu, a relation of Ramlal, was also sleeping in the adjoining room. He woke up when he heard the noise. One of the raiding Bhils aimed a blow with his sword at Ramlal but it somehow fell on Fattu. That sent Fattu sprawling on the ground and after a little while he died. The assailants then ransacked the house and carried away property worth Rupees 1200. On a report being made, the police investigated the matter and

arrested 3 persons. A case against them was registered in court. Since the identity of the accused persons could not be established unmistakeably, the court pronounced a judgment of acquittal. Another raid of a similar nature was made on the midnight of 6 June 1975, but the victim this time was Tolia Bhil of village Karaini falling within the jurisdiction of the police station at Dhar. The raiding Bhils tied Tolia Bhil to a pole with the cloth of his own turban and, thereafter, they hit him with fists and sticks. The gang then decamped with 'jowar', groundnut and chicken of the total value of Rupees 900. Even though it was dark, Tolia could identify Gabaria Bhil among the raiding gang and this helped the police in rounding up the entire gang.

It will be obvious from the preceding account that the pattern of crime in Dhar district is more or less the same as in Jhabua district except that it is on a lower key. After all, it is not to be forgotten that Dhar has a mixed population and that the crimes there will not have that thrust and punch which characterise the killings in Jhabua district.

## The Judges' Verdict

Here are 100 homicide court cases decided between the years 1961 and 1975. Nothing could be more true to life than the court cases as there is no room therein whatsoever for any conjectures and hypothetical postulates. The court cases represent the stark realities of the actual killings; these also forthrightly tell what exactly happened; what the eye-witnesses narrated and how they were sometimes moved by human considerations or sometimes succumbed to manipulation; how the accused person tries to explain the killing and desperately attempts to establish his innocence, and finally how the judges arrive at their conclusions and pronounce their verdict. As usually happens, in human affairs, no two cases are ever identical and every case opens up a new vista of study and observation. It is here that *human nature* bares itself because homicide is not an ordinary event and the possibility of being sent to the gallows stares the accused person full in his face. Obviously, for him, it is a question of life and death. The accused person is naturally desperate to save himself. The obverse is that a man who has deprived another person of his life, the most precious gift of God, may walk out of the court with a clean acquittal. The bitterness and exasperation which such an acquittal arouses in the heart and mind of the victim's family can well be imagined. *Therefore, the persons appearing in court to drive home to the murderer his guilt are expected to mount a relentless attack on him. There is, therefore, a veritable*

battle of wits and each side throws in and deploys all the armour at its command.

The judges who try the homicide cases are, without exception, able and experienced persons; they deal with cases involving the loss of human life and have the authority to order that the culprit be put to death; even condemning a man to suffer life imprisonment is not an ordinary exercise of authority. Even the highest executive in the land is not clothed with this authority. Obviously, the higher the authority, the greater is the care with which the judges are appointed by the High Court which is the highest judiciary of the State and controls the functioning of the Sessions Courts. The experience, training and the ability of the Sessions Judges are reflected in their judgments which make very fascinating reading indeed.

In almost every case, a person convicted for homicide by the Sessions Court, goes up in appeal to the High Court and the judgments of this highest judicial forum in the State provide the opportunity to become acquainted with the way in which the honourable judges apply their minds to the appellate cases and pronounce their verdicts.

This chapter takes the reader through 100 different homicide cases. Barring a few interesting exceptions, the cases have been selected from those in which homicide has been established. For obvious reasons, cases ending in the acquittal of the accused on account of the charges of homicide not having been proved against him, do not have much relevance to the present study. Going through the cases is like going through a long picture-gallery where 100 canvasses have been hung for public viewing. The narration of these cases has necessarily to be brief and although one misses the pleasure of going through the entire case, the full testimony of witnesses, the report of the doctors and detailed judgments of the learned Judges; yet, taking into consideration the total dimension of the task involved, no other course of presentation has appeared feasible, except to narrate a brief summary of each homicide case. The conventional pattern is to categorise the cases under different heads, mainly according to the nature of the crime, but a departure has been made here. Putting cases of similar nature together makes their reading monotonous. Therefore, in the present study, the cases have been presented chronologically



and no two consecutive cases are alike or similar. Each case retains its novelty and continues to arouse curiosity.

**\*\*Dhundla Bhil, aged 40 years, was a resident of village Dahi in Dhar district. He had 2 daughters, Runa and Ravli. Runa was married to Bhangda, aged about 17 years who used to ill-treat her. In the first week of July 1961 Bhangda visited his father-in-law along with Runa. He stayed there for 4 days and went back alone. On or about 10 July 1961, he returned to village Dahi in order to take back Runa. In the beginning, Runa was reluctant to go with Bhangda but, subsequently, she agreed to go along with him. Her sister Ravli also accompanied her. After covering a distance of about half a mile, Bhangda started demanding money from Runa. Her refusal infuriated Bhangda and he started beating her. Ravli ran back to her house. On hearing about the incident, Runa's father, Nansingh, aged 30 years, and her maternal uncle Dhudla, aged 40 years, rushed towards the place armed with 'lathis.' Bhangda abused both of them at which they got angry and started beating Bhangda with their 'lathis.' Bhangda fell down dead. The silver bangles worn by the deceased were removed by Dhudla and the corpse was hidden in a nearby forest. Bhangda's father, Ansingh, being unable to trace his son, informed the police about his disappearance. A police investigation was set afoot. At the instance of Nansingh himself, the remains of the corpse, consisting of 38 pieces of bones, were recovered from the forest along with the clothes and the lathi belonging to the deceased.**

As expected, Runa and Ravli did not support the prosecution. However, on the basis of the circumstantial evidence comprising Bhangda's visit to Dahi, the recovery of pieces of bones and clothes belonging to the deceased at the instance of the accused Nansingh and the recovery of the silver bangles belonging to the deceased from Dhudla, both the accused were held guilty of the murder and sentenced to imprisonment for life. The accused, Dhudla, was also held guilty of robbery for having removed the silver ornaments of the deceased, on which count he was additionally sentenced to 2 years rigorous imprisonment.

The High Court, in their judgment of 15 November 1962, disagreed with the conclusions arrived at by the trial judge, and concluded:

The evidence adduced by the prosecution is not at all sufficient to bring out the guilt of the accused persons. The discovery cannot be used against them because the bones were not proved beyond doubt to be of the body of Bhangda. Similarly, the clothes which were found to be near about the bones have not been properly identified. The two appellants are, therefore, entitled to an acquittal. The result is that the appeal is allowed, the convictions and sentences passed against both the appellants are set aside and they are acquitted.

\*\*Methaliya, aged 25 years, and Kalsingh, aged 30 years, were the sons of Dhanna. Their house was next to that of Mangtiya in village Temachi of Jhabua district. Both the families had adjacent patches of agricultural lands near their houses. Mangtiya had sown his field with 'urad' and maize crops. The adjoining field had a standing crop of maize. It is the boundary strip in between these fields which resulted in the tragedy under review. Some years ago, Mangtiya had given the disputed strip of land for cultivation to Dhanna. Later, Mangtiya tried to resume possession of the land but did not succeed. Even the community panchayat could not resolve the dispute. It referred them to the court of law. Mangtiya and Dhanna often quarrelled on this account. Methaliya and Kalsingh once deliberately drove their bullock-cart through the gram crop of Mangtiya. On 30 July 1961, Ratniya, son of Mangtiya, was grazing his bullocks on the boundary of the disputed field. The accused persons, as if to pick up a quarrel, demanded an explanation from him for grazing his bullocks within their area of the boundary strip. At the instigation of Dhanna and Kalsingh, Methaliya shot 3 arrows at Ratniya, but the latter was able to ward off 2. The third, however, got him and pierced him through his left axilla and nipple. Zamku, widow of Motla, another son of Mangtiya, tried in vain to stop Methaliya from shooting arrows at Ratniya. He shot 1 at her also, but luckily it did not hit her. Ratniya, however, succumbed to his injury within an hour of the incident. The accused persons were arrested on 31 July 1961. A blood-stained arrow and bow were seized from the house of Methaliya consequent to information given by himself to the police. The accused Dhanna and Kalsingh stated that they were not present at the scene of occurrence.

Methaliya put forth the plea of self-defence. On an appraisal of the evidence, Methaliya only was found guilty of murdering Ratniya and was sentenced to imprisonment for life. The trial court, in its judgment of 23 December 1961, held:

'That accused Methaliya shot the fatal arrow at Ratniya without the least provocation. To say that he did so in self-defence of his person or property is to negative the truth. He had no right to prevent Ratniya from grazing his bullocks on the boundary strip. His story about Ratniya's assault on him is totally false.'

In the appellate judgment of 13 August 1962, the High Court maintained the conviction and the sentence awarded to the accused by the trial court and dismissed the appeal.

\*\*The story is that Bhangra of village Kharami in district Dhar had forcibly taken possession of a field belonging to Narain Singh, an ex-proprietor of the village. This dispute became the subject-matter of litigation in the revenue courts. It appears that Bhangra was contemplating giving his land on lease to an outsider. Narain Singh asked him to desist from doing so. Bhangra did not accept his advice and, on the contrary, abused him. This happened at about 11 A.M. on 17 October 1961. At about 5 P.M. when Narain Singh was standing in his kitchen garden, Bhangra shot 2 arrows at him, one of which hit Narain Singh on the left side of his abdomen, while the other pierced the chest on the right side. Narain Singh himself removed the arrows from his body. In the meanwhile, Bhangra fled. After 4 days, on 21 October 1961, Narain Singh expired in the hospital. Bhangra surrendered to the police on 18 October 1961 and claimed an alibi. Eye-witness accounts of the incident given by Gulab Singh, Rumania, Jama and a concubine of Narain Singh Jhetri was corroborated by medical evidence and the dying declaration of the deceased recorded by the Sub-Divisional Magistrate. The trial court rejected the defence plea of alibi and convicted the accused on the charge of murdering Narain Singh and sentenced him to imprisonment for life. The High Court confirmed the conviction and the sentence.

\*\*Kelsingh, Malsingh, Nansing and Gama, all Bhils, were brothers and resident of village Bordabra in Dhar district. At the time of the occurrence of the crime, Gama was living separately from his brother Kelsingh. On 9 November 1961, at about mid-day, Doomsingh and Richhu quarrelled amongst themselves. Others, however, pacified them. The same evening, at about 5.30 P.M., Kelsingh arranged a folk dance, known as 'Doha' among the Bhils. Gulsingh, Tantia and Sairi were among the invitees. Gama came there with a sword in his hand. He asked Kelsingh as to why all these persons had gathered there. Without waiting for an explanation, he inflicted a sword blow on Gulsingh's left arm. Another blow was dealt on Kelsingh's left hand. The third blow fell on Tantia's right hand and the same was completely severed. Tantia walked a short distance and fell down. After about 10 days, Tantia died of tetanic convulsions in the civil hospital at Dhar.

Gama abjured his guilt. He pleaded self-defence stating that Doomsingh, Tantia, Gulsingh and Kelsingh had raided his house armed with deadly weapons. Kelsingh and Doomsingh, while they supported the prosecution story in their examination-in-chief, turned hostile in the course of cross-examination and tried their best to substantiate the defence version. They went to the length of stating that they had raided the house of the accused armed with lethal weapons in a state of drunkenness. But the trial court rejected the testimony of these 2 hostile witnesses. As regards motive, the accused himself admitted that he was on inimical terms with his brother Kelsingh, who, along with Doomsingh, Gulsingh and Tantia, had tried to beat him. The trial court, in its judgment of 19 April 1962, held that Gama had inflicted an injury on Tantia and that he was guilty of murder. The court further held that although Tantia's death was directly due to tetanus, yet the death was caused indirectly by the injury inflicted by Gama. Thus, finding the accused Gama guilty of murder and of causing injury with a dangerous weapon, the trial court sentenced him to imprisonment for life and 2 years' rigorous imprisonment respectively. The High Court, in their judgment of 19 January 1962 felt that the injury inflicted by Gama was not the immediate cause of Tantia's death and concluded:

Whether the death has been immediate or delayed, would make no difference. As for the tetanus, when there is a wide bleeding cut, it is always a possibility and a very considerable probability having regard to the standard of cleanliness of these people. But there is another view also. The assailant inflicting one sword cut, might after all have intended to cause an injury which might not have been fatal though it was grievous. Again, it cannot be asserted that tetanus was practically inevitable though somewhat probable. Thus the present one is a case on the border line which might, on one view, be treated as an offence properly coming under section 302 IPC, on an equally plausible view, as an offence coming under section 326 IPC, though a serious one under that section.

As such, the conviction on the charge of murder and also the sentence of imprisonment for life were set aside and instead Gama was held guilty of causing grievous injury with a deadly weapon for which a sentence of 7 years' rigorous imprisonment was awarded to him.

\*\*Muli was the sister of the deceased Goma. She was married to the accused Poona (aged 25 years) resident of village Kelwani in Dhar district. One morning, Muli disappeared. In the sudden disappearance of his wife Muli, Poona suspected the hand of his brother-in-law Goma (aged 25 years). As such, he was looking for a suitable opportunity to avenge himself. It was on 6 December 1961, at about 5 P.M. that Goma was returning to his village in the company of his servants Bansia and Soma. Soma was driving the bullock-cart. When the cart passed near the well of his uncle Hama, Bansia asked Niadribai, Hama's wife, to accompany them. She told them that she would be coming shortly afterwards and then busied herself with the usual household chores. At a short distance from there, flows a small stream. When the cart reached there, Soma unyoked the bullocks and took them to the stream. Bansia was holding the cart while Goma was enjoying himself in the bracing breeze blissfully oblivious of his fast-approaching end. Poona suddenly appeared on a mound of earth on the other side of the stream

with a gun. He accused Goma of having made his wife disappear and then fired a shot at him. Although Goma was injured, he was still on his legs and made pitiable entreaties to be spared. In the meantime, Niadribai arrived there. She also joined Goma in requesting the accused to desist from his murderous course. But the entreaties fell on deaf ears. A second shot rang and Goma toppled to the ground. Poona left the scene with a threat that he would finish off the brother of Goma as well. Goma was taken in a precarious state to his house. Night fell and his condition was deteriorating. The numerous pellet injuries had caused severe loss of blood. At 11 P.M. in the night, Goma breathed his last. The defence was one of bald denial. 2 of the eye-witnesses Bansi and Soma, turned hostile. However, the other eye-witness, Niadribai, fully supported the prosecution story. The trial court held that Niadribai was a wholly reliable witness and that the dying declaration of Goma implicating the accused had been fully established. As a result, the trial court convicted Poona under section 302 IPC and sentenced him to imprisonment for life. The trial court held:

The motive has fully been proved. Hama and Niadribai have stated that Goma's sister Muli was married to the accused and she disappeared some months prior to the present occurrence. They have also stated that the accused had ill-will on account of that. Thus in my opinion the accused committed this crime to take revenge for the disappearance of his wife. When there is eye-witness account, the question of motive is immaterial and when motive is proved, it further strengthens the prosecution case.

The High court in their appellate judgment of 13 February 1963, held the accused guilty of the offence made out against him and maintained the conviction and the sentence ordered by the trial court.

\*\*This is a case where a woman had been treated as a chattel and as a result thereof a life was lost. Navsi was a charming girl. She was married to Naharsingh of village Birlai of Dhar district. It was either due to promiscuity or infatuation that Navsi deserted her husband and started living with Magan

as his wife in village Girvania of the same district. Naharsingh did not sit silent. He instituted legal proceedings under section 552 Criminal Procedure Code and got back possession of Navsi. But he was not a man of means and, therefore, had to borrow a sum of Rs. 400 from Dhundhra, aged 35 years. Since Naharsingh was unable to repay his debt to Dhundhra, the latter succeeded in getting possession of Navsi by way of security. In this manner, Navsi became the wife of a third man. It appears that Magan, aged 25 years, could not erase Navsi from his mind. She had also begotten a male child by him. He, therefore, plotted to regain the queen of his heart by force. On the night of 13 January 1962, Magan set out in the company of his associates on this dangerous mission. He had given his companions to understand that Dhundhra had already accepted a sum of Rs. 100 from him and had agreed to hand him over the possession of Navsi.

It was on this agreement that Magan went to the house of Dhundhra to fetch Navsi. But the moment Magan announced the purpose of his visit to Dhundhra, the latter dropped him with his gun. As may be expected, Magan's companions took to their heels leaving him to his fate. On 15 January 1962, the police found Magan lying dead in a field by the side of a footpath. He had gun-shot wounds on the head and the left shoulder. Dhundhra stated that at the dead of night on 13 January 1962, as many as 10 to 15 persons broke into his house threatening to chop off his head. He had, therefore, no choice but to retaliate. He, therefore, fired a shot with his muzzle-loading gun. The trial court has in its judgment dated 21st April 1962 recorded this finding:

It is remarkable to note that he (Magan) died with his boots on firmly holding the 'phalia' in his right hand. In the circumstances, doubt lingers and reasonably, about Magan's sustaining the injuries at the hands of the accused Dhundhra. But taking the worst case that the injuries were caused by the gun-shot of the accused Dhundhra, the latter was more than justified in using his gun in the manner he did. I, therefore, acquit him of the offence under section 302 of the Indian Penal Code. In my view, it is he who is the aggrieved party.

**\*\*Jamsingh Bhil's daughter Nachki** was married to Bhaosingh and she lived with him for 1 year. After some time, Jogiya Bhil, aged 34 years, enticed her away, for which he ultimately paid with his life. On 29 January 1962, Jogiya visited Jamsingh who lived in village Lohari of Dhar district. Both of them were busy irrigating the field of their employer Budha. It was about 4 P.M. when Punia, aged 22 years, Bhaosingh, aged 26 years, and Bhangda, aged 25 years, came running towards them with bows and arrows. Jamsingh sensed the gravity of the situation and asked Jogiya to run for safety which he did. But Punia and his associates kept pursuing him and ultimately they overtook him in the orchard of Phool Chand. In the presence of a number of witnesses, Punia shot an arrow which pierced the left flank of Jogiya. He arched and pulled out the arrow and a large amount of blood gushed out. The assailants were detained and the matter was reported to the police. Jogiya was examined at Nisarpur dispensary and was referred to the district hospital, Dhar where he succumbed to his injuries on 10 February 1962. However, his dying declaration was recorded before he died. The accused abjured the guilt. The evidence against Punia and Bhaosingh was overwhelming, but the court was of the view that the acts of the accused persons did not amount to murder. They were accordingly held guilty for causing grievous hurt with a dangerous weapon and awarded 3 years' rigorous imprisonment each. The complicity of Bhangda in the crime was held doubtful and he was acquitted. The trial court in its judgment of 2 June 1962 held that the death of Jogiya could not be directly attributed to the injury caused to him. It is possible that Jogiya might have survived if he had remained in the hospital and had left it only after full recovery. In regard to the motive of the crime, the trial court commented as under:

The motive is even admitted by Punia and Bhaosingh accused. It is an undisputed fact that Nachki, who was formerly wedded to Bhaosingh was eloped by Jogiya and that they had disappeared for some time. Jamsingh says that he had paid off the compensation to Bhaosingh but Punia and Bhaosingh have denied it. Whatever it may be, this was a strong motive for Bhaosingh and his brother Punia to take revenge on Jogiya.



**\*\*Ditia, Dharji and Bahadur, all Bhils and resident of village Jamaniya in Jhabua district were brothers who lived in adjacent houses. They were professional drum-beaters. Each of them had contributed equally for a drum which they used in turns. When the turn of Ditia and Narsingh came, they raised a dispute that the drum had been spoilt by Dharji and Bahadur when it was with them. The allegation was refuted by Dharji and Bahadur. Later on, when their turn came, they demanded the drum but Ditia did not give it. When Dharji and Bahadur demanded back their contribution, the same was refused. The demand of contribution and its refusal was going on for some time and whenever an occasion arose, they did not fail to quarrel with one another. On 7 March 1962, Sarsingh of the same village invited all the villagers at his house in connection with the settlement of his son's marriage. The above-mentioned three brothers and other relations as well as Narsingh attended the feast. When the ceremony was over, most of the invitees left for their houses. Just then Dharji and Bahadur on the one hand and Ditia and Narsingh on the other, raised the never-ending controversy about the drum and started abusing each other. Sarsingh resented this quarrel taking place in his house. The party, therefore, left for their houses without stopping the stream of abuse. Dharji and Bahadur were followed by Ditia and Narsingh who, besides abusing them, also pelted some stones at them. It was quite late in the night when these persons reached their houses. It appears that after Dharji and Bahadur had gone inside their house, Ditia and his son still kept pelting stones which made Dharji and Bahadur come out of their houses. They raised an alarm. Narsingh then brought a heavy stick from his house and hit Dharji on the head. He dealt another blow on Dharji but missed him and hit Bahadur on his forehead. Narsingh then retreated into his house. Bahadur and one Noorsingh followed and closed the door of Narsingh's house from outside. In the meantime, Ditia came out of his hut with an axe and a burning stick. He dealt blows on the head of Dharji with the blunt side of his axe and also charred his chest with the burning stick. When the witnesses assembled, they found Dharji dead. Both Ditia and his son were put up for trial on charge of murdering Dharji. Ditia pleaded an alibi. The contention of his son was that he was attacked by**

the deceased and, therefore, had used force in self-defence. The medical evidence was somewhat confusing in the sense that it established that head injuries were *ante-mortem*, whereas the injury on the chest was caused at least 2 hours after the death of Dharji. The eye-witnesses were proved to be related to the deceased and, therefore, their testimony was viewed with caution. The trial Judge, in his judgement delivered on 16 July, 1962 concluded that though the plea of alibi put forth by Ditia was false, yet he could not be held responsible for inflicting fatal injuries on the deceased. His participation in the crime was itself found doubtful and, therefore, he was acquitted. The offence that was found proved against Narsingh was culpable homicide not amounting to murder for which he was sentenced to imprisonment for life. He went up in appeal before the High Court, which came to the conclusion that the possibility of fatal injury which smashed the frontal bone having been caused by Ditia was not ruled out and, therefore, it was erroneous to fasten its criminal liability on Narsingh. In the end, Narsingh was held guilty only for causing simple injury on the deceased under section 323 IPC for which a sentence of 1 year's rigorous imprisonment was deemed adequate. The appellate judgement was delivered on 4 April 1963.

\*\*Khedhi is a small village, 16 miles away from the police station at Gandhwani, in Dhar district. The villagers were fond of breaking the monotony of their existence by resorting to drinking bouts. It was the afternoon of 9 March 1962. Nanka, aged 45 years, was having a drink-party at his house. Those present consisted of his brother Ramsingh, Kisan, Bathu, Amarsingh, Joharsingh and Khumsingh. When Nanka became intoxicated, his wife Ruma asked those who were still drinking not to offer any more liquor to Nanka. Becoming incensed on his wife's misconduct, he dealt her 2 lathi blows. She, however, ran for safety. Soon thereafter, Nanka went inside his house, took out his gun and shot his erstwhile farm-servant Bhursingh, aged 22 years, who had been sacked some time ago on suspicion of intimacy with Nanka's daughter and was sitting outside Nanka's house. Bhursingh died instantaneously. Although Nanka himself did not try to escape, yet he hid the gun inside the jungle which was subsequently recovered at his

instance and seized by the police. Nanka did not have any licence to possess the fire-arm. He was, therefore, tried, besides murder, on the charge of possessing a gun without licence. Nanka's defence consisted of a bald denial of the prosecution case. He did not adduce any evidence in rebuttal. The trial court held both the charges proved. Consequently, the accused was sentenced to imprisonment for life on the charge of murder and one year's rigorous imprisonment for the offence under the Arms Act.

The accused preferred an appeal to the High Court. They delivered their judgment on 25 April 1963:

We do not feel satisfied that the prosecution has proved its case beyond doubt. The finding of the dead body at Nanka's place would have been also a circumstance against Nanka only if he was the only person in the house at the time Bhursingh was shot. The other persons were equally in the same premises and were enjoying the liquor as usual. As we do not find any reliable evidence to hold that it was Nanka who shot at Bhursingh, we acquit him of an offence under section 302 IPC.

\*Narain, aged 25 years, was a nephew of Rama. They formed a joint family and lived in village Dhankhedi of Dhar district. Then, Rama married Sukli in 1949. Hardly had a year passed when the occasion for the splitting-up of the family arose. Narain was then a minor and, therefore, his mother represented him at the partition. The family fortune, *inter alia*, consisted of a pair of cows, a brass plate, 1 grinding stone and a 4-roomed house. Rama gave a half-share in the cows and house to his nephew. Further, he gave him the brass plate, retaining the grinding stone for himself. They had been living separately in their adjoining houses with their respective families since then. Rama's family consisted of his wife and a 9 year-old daughter named Kali. Narain was living with his mother Dadmi and his wife Sagar. This continued for almost 13 years. On 21 April 1962, Narain raised a quarrel with Rama on the question of what he claimed to be an unfair partition. This took a serious turn when Narain inflicted a 'pbalia' blow on the head of his uncle. When Rama's wife Sukli tried to intervene, Narain killed

her with his 'phalia'. Narain did not make any attempt to escape. When the police arrived on the scene, Narain was found inside his house, wherefrom he was taken into custody. The police also recovered the handle of the 'phalia' from the house of Narain at his own instance. At the court trial, Narain contended that he has been made a scapegoat in order to screen the real murderer of Sukli, namely, her husband Rama. The trial court was of the view that the direct testimony of Rama and his minor daughter Kali was acceptable, being amply corroborated by various incriminating circumstances. Holding Narain guilty of murdering Sukli as also of causing hurt to Rama, the court in its judgment of 30 August 1962, sentenced him to imprisonment for life on the first count and 6 months rigorous imprisonment on the second count. The High Court did not find anything to warrant an interference in the finding and sentence awarded by the trial court.

**\*\*Kalu Bhil**, a young man of 30 years, lived in village Gerda of Dhar district. His relations with his father Bandu, were strained. On 6 May 1962, Bandu went to his nephew Naharia, aged 35 years, and complained of the harrassment Kalu was subjecting him to. Some other persons were also present. Kalu, accompanied by his cousin Bansingh, aged 20 years, arrived there. Both were armed with bows and arrows. Naharia's attempt to scold Kalu for mis-behaviour towards his father enraged the latter so much so that a scuffle ensued. Bandu hit Kalu on the head with a stone. Bairang and others separated Kalu and Naharia. No sooner was Kalu separated from Naharia than he shot the latter with an arrow. The arrow, however, missed Naharia and injured Bhuchar in the chest. Naharia attempted to run away but the next arrow shot by Bansingh pierced his side damaging the small intestine and spleen which ultimately resulted in his death 5 days later in the hospital. Bansingh and Kalu ran away after the incident but they were arrested by the police on 20 May 1962.

At the trial that followed, Bansingh was charged with murder whereas the charge against Kalu was one of causing hurt with a deadly weapon. Both the accused pleaded not guilty. Bansingh denied having gone to the place of occurrence. Kalu admitted to having gone there, but denied having caused any injury to

Bhuchar. The witnesses who were present at the scene of occurrence, testified in favour of the prosecution except Bandu, who turned hostile. However, the trial court held that the offence committed by Bansingh amounted to culpable homicide not amounting to murder. Accordingly, he was convicted under section 304 Part I of IPC and sentenced to 5 years' rigorous imprisonment. The other accused Kalu was sentenced to 1 month's rigorous imprisonment.

**\*\*Kulya, aged 25 years, and Jorsingh, aged 35 years, were both sons-in-law of Chhitu Bhil of village Dahi in Dhar district. Jorsingh hailed from village Gampur, which is at a distance of 5 miles from Dahi. Kulya, after his marriage with the younger daughter, started living in village Dahi in a separate but adjacent house and used to help his father-in-law in various ways. There seems to have been ill-will between the two sons-in-law because Jorsingh was keen on marrying the younger daughter of Chhitu Bhil. But as luck would have it, Kulya managed to secure her as his wife, leaving the less preferred elder sister to Jorsingh. There seem to have been arguments in the past between the two sons-in-law on this issue, but nothing serious happened.**

On 28 May 1962, Jorsingh had come to Dahi with 2 of his nephews to attend a wedding in the house of his relation Balya. At about noon, he was sitting at the house of a common relation, Limji, chatting with a number of visitors. The house of Limji and Kulya were separated only by a lane. Kulya went there armed with a log of wood and suddenly hit Jorsingh on his head twice with the result that Jorsingh became unconscious. Since Jorsingh had a turban on, the blows did not result in bleeding. But as the skull was fractured, Jorsingh died within a few hours without regaining consciousness in the intervening period. Kulya, in the first instance, denied the whole of the prosecution case. He came out with a story of self-defence alleging that the deceased had come with a bow and arrow and that he had given a single blow with a view to warding off an imminent danger to his life. Prosecution witnesses, who included the nephews of Kulya, did not make any attempt to suppress the truth. They refuted the suggestion that Jorsingh made any gesture or pointed an arrow towards Kulya. The trial court found the accused guilty

under section 304 (Part II) Indian Penal Code, which stands for culpable homicide not amounting to murder and sentenced him to rigorous imprisonment for 7 years. The judgment was delivered on 16 August 1962.

Kulya went up in appeal to the High Court, where the case was heard and the judgment was pronounced on 23 January 1963. The court held that:

There was no quarrel, the attack being sudden and unprovoked and though a blunt weapon is used, it is used twice. So it is difficult to accept the argument that the offence should be treated as one under section 325 Indian Penal Code. As for the sentence, a term of 7 years under section 304 (second part) does at the first instance seem to be severe but that section itself was not a very proper one, the offence being one at least under the first part. Still the court has treated it as a particularly serious offence under the second part. Either way, it cannot be considered so excessive in the circumstances of the case as to call for a reduction in this court.

\*\*A large percentage of major crimes have their origin in intoxication. More often than not, the stimulation of liquor is used as a preparation for the commission of murders. But, at times, intoxication results in wanton killings. This is a case of the latter type. On 1 July 1962, Kelsingh Bhil, aged 30 years, collected his stock of 'mahua' from the house of Dhansingh, in village Kotha of Dhar district, and hurried to the outskirts of the village where he started distilling liquor by the side of a rivulet. Rupsingh Bhil, aged 30 years, probably got the scent and he joined Kelsingh. Dhansingh and Mehtab also arrived later. Before dusk, they consumed a lot of liquor and reached Dhansingh's house dead drunk. Kelsingh was sitting on a cot. Rupsingh was squatting on a platform in front of the house of Dhansingh. Dhansingh, his son, Hiru, a young child and Naharsingh were also there. All of a sudden, as if seized by some spirit, Rupsingh dealt two forceful blows with the blunt end of an axe on the head of Kelsingh saying that he was the murderer of his aunt's son. He died instantaneously. Dhansingh also sustained cuts on the base of his right thumb. The dead body

of Kelsingh was thrown in the nearby forest at a distance of about 1 mile from Dhansingh's house.

Bhurla Bhil, aged 25 years, was also prosecuted for aiding Rupsingh in hiding the dead body of Kelsingh. Bhurla pleaded ignorance of the incident. He resiled from his earlier confession made before the Magistrate. The defence put forth by Rupsingh was altogether different. He admitted that they had all distilled and consumed liquor together and had come to the house of Dhansingh. He alleged that Dhansingh picked a quarrel with the deceased on some money matters and that in the course of the quarrel, Dhansingh struck the fatal blows and subsequently compelled Rupsingh also to assault Kelsingh when he was lying on the ground. And as if all this was not enough, they compelled Rupsingh to join hands with them in disposing of the body of the deceased in the forest.

The evidence produced at the trial fully supported the case of prosecution. As a result, the defence version was held to be false. No offence was made out against Bhurla and he was acquitted. Rupsingh was found guilty of murdering Kelsingh, as also for inflicting axe injury on Dhansingh. He was sentenced to imprisonment for life on the first count and to 6 months' rigorous imprisonment on the second count. The High Court dismissed the appeal in their judgment of 8 August 1963.

\*\*Raisingh, aged 25 years, and Jamsingh, aged 22 years, were residents of village Mordbi in Jhabua district. Sultania, aged 30 years, lived in the nearby village Kudwalia. All the 3 were cousins. Nanla, aged 25 years, lived with his father Amarsingh in village Bokadia adjacent to Mordhi. In the summer of 1962, a quarrel took place between Raisingh, Jamsingh and Sultania on the one side and Nanla on the other, over the right on certain 'mahua' trees. Since Nanla had filthily abused Raisingh, he and his cousins were on a look-out to avenge their honour. Nanla and his father Amarsingh had taken on lease a piece of land from Bbavla, father of Jamsingh. On 11 July 1962, they were ploughing this land when Raisingh, Jamsingh and Sultania arrived there and asked them to stop ploughing. Jamsingh caught hold of Nanla and Sultania prevented Amarsingh from proceeding towards Jamsingh at the point of an arrow. Instantly thereafter, Raisingh shot an arrow at Nanla which pierced the

left side of his abdomen causing extensive damage to the internal tissues. Thereafter, the assailants went back to their villages. The incident was narrated by Nanla to Kadmia and Juwansingh, who had arrived there, attracted by the alarm raised by Amar-singh.

The police station is 7 miles from the village. Nanla somehow reached the police station, made the report and was referred to the doctor of the civil hospital at Alirajpur, where he succumbed to his injuries within hours of his examination by the doctor. When the police arrived for investigation, the accused were found in their houses. They pleaded an alibi which, of course, could not be substantiated. The direct and circumstantial evidence tendered by the prosecution was found to be overwhelmingly convincing. But it was doubted if Jamsingh and Sultania shared the murderous intention of Raisingh. Therefore, while Raisingh was convicted on a charge of murder and sentenced to imprisonment for life, Jamsingh and Sultania were held guilty of minor offences and dealt with leniently.

The appeal preferred by the accused Raisingh was rejected by the High Court. In their judgment of 19 August 1963, they held that the trial court had rightly believed the evidence of prosecution and rejected the plea of alibi put forth by Raisingh.

\*\*Naharsingh, aged 22 years, and Kekdia, aged 35 years, residents of village Kharkhadi in Jhabua district were step-brothers. After the death of their father, the elders of the village partitioned the family assets between them and demarcated the land by drawing a boundary strip of fallow land known as 'seda'. This was done so that there may be no quarrels between the step-brothers. After some time, they constructed separate huts and started living separately. It appears that Naharsingh was not satisfied with this partition. As a result, the 2 brothers used to quarrel frequently over this issue. On the morning of 13 July 1962, Kekdia went to his land with his bullocks. He was accompanied by his daughter Vesti and son Bondaria, aged 10 and 8 years, respectively. Kekdia found the patch of fallow land demarcating their fields ploughed. Naharsingh was already there. Kekdia enquired from him as to who had ploughed the boundary. As if this query



was an open challenge to him, Naharsingh tied his bullocks to a tree, went to his house and came back armed with a bow and arrows. He shot 1 arrow at Kekdia which pierced the lower part of his abdomen. Kekdia fell down. Naharsingh shot 3 more arrows. Kekdia pulled out the first arrow himself and his intestines emerged from the wound. Naharsingh pulled out the other arrows but the blade of 1 remained stuck in the wound. Bondaria raised an alarm which attracted Santu, the wife of the victim. She saw Naharsingh walking away from the scene of occurrence. On arriving by the side of her husband, she found him dead. Naharsingh himself went to the police station at Alirajpur, reported the incident and surrendered himself along with his bow and 7 arrows, of which 5 were stained with blood. He was placed under arrest. But at the trial he denied the charge. The trial court placed reliance on the testimony of the child witnesses, Vesti and Bondaria. It was corroborated by the evidence pertaining to motive. Santu, who had reached the scene immediately after the killing, had seen Naharsingh going away from there. Although the information given by Naharsingh to the police was self-incriminatory, under the Indian Evidence Act, it could not be used against him. However, the trial Judge considered his subsequent conduct in coming to the police station and surrendering himself, as one of the circumstances which lent corroboration to the prosecution case. In result, the accused was held guilty of murder and sentenced to life imprisonment. The judgment was delivered on 13 February 1963. In regard to the sentence awarded to the accused, the trial court observed: 'the accused belonged to a scheduled tribe, the members of which are known for their impetuosity and emotionalism', and therefore, 'the ends of justice will be met by awarding him the lesser penalty'.

The accused went up in appeal to the High Court. In their judgment of 16 October 1963, the High Court observed: 'so far as child witnesses are concerned, we have already said that we cannot rely on their testimony unless there is corroboration'. The High Court found that there was no legal evidence to convict the appellant with the crime and, therefore, acquitted the accused.

\*\*Kekdia Bhil, aged 22 years, was an unfortunate child who

lost his father in infancy and his mother deserted him, having taken another husband. He was, therefore, forced to live along with his uncle Patliya in village Toriya Zaran in Jhabua district. There was a small piece of land from which Patliya used to eke out his living. Nanki, aged 30 years, was his wife. On 19 July 1962, Kekdia returned from the fields in the evening, as usual. He was probably too hungry and, therefore, ate half the loaves kept for Patliya. Nanki remonstrated him and this enraged Kekdia so much that he picked up a sickle and inflicted as many as 8 cuts on Nanki's body, which proved fatal. About a fortnight before this incident, Kekdia had brought a girl whom he meant to keep as his wife. But his uncle refused to pay the bride-price and, therefore, the girl had run away and married someone else.

Having killed his aunt, Kekdia threw the sickle near the victim and ran away with his bow and arrow. The solitary witness of this tragedy was the deceased Nanki's 8 year-old son, Nazru. Kekdia went to the house of Bhiklia in another village Phata and the latter, having learnt of the incident, produced Kekdia before the police on 21 July 1962.

Kekdia pleaded not guilty and submitted that when he returned from the field, Nazru told him that somebody had killed his mother, and he found her lying dead. He, further, alleged that it was Patliya who had killed Nanki because she had not carried the meals to the field.

The evidence of the child witness Nazru was found credible. It was corroborated by other circumstantial evidence and the extra judicial confessions of the accused. Consequently, Kekdia was convicted of murder and sentenced to imprisonment for life in the judgment delivered on 15 November 1962. The accused preferred an appeal before the High Court but it was dismissed on 16 July 1963.

\*\*Dalsingh Bhil, aged 25 years, had taken away some logs of wood belonging to Panglia Bhil, also of the same age, and that embittered their relations. On 31 July 1962, Panglia was returning home along with his wife Badli and uncle-in-law Somla. They reached the outskirts of their village Kukshi in Dhar district at about 6.30 P.M. Dalsingh suddenly appeared and abused Panglia. He then snatched a stick from Panglia's

hand and dealt 2 forceful blows on his head. Panglia fell down. Dalsingh administered 2 more blows on his shoulder and dealt 1 'lathu' blow on Somla to foil his attempted intervention. The alarm raised by Badli and Somla attracted Panglia's brother-in-law Nathu and Vali to the scene of incident. Dalsingh then threw away the stick and took to his heels. The same night he surrendered to the police.

At the trial, Dalsingh pleaded alibi which the trial court rejected. The incident, as put forth by the prosecution, was fully proved by the testimony of prosecution witnesses. Nonetheless, the trial court held the view, which was subsequently confirmed by the High Court in appeal, that the nature of the weapon used in the circumstances of the case did not disclose an *unmistakable intention of killing*. *The court, therefore, held that the offence made out was one of culpable homicide not amounting to murder under section 304 Part II IPC, for which a sentence of 5 years' rigorous imprisonment was awarded.*

**\*\*A driving sex-impulse is also frequently the cause of murders.** The negative aspect of impotence resulting in homicide is an exception. This is one such case wherein Nathda, a young man of 30 years and father of 3 children, hacked his wife Dhuri, aged 24 years, to pieces impelled by the blind rage of his impotency. The spouse had had an initial spell of 7 years' of marital bliss when, all of a sudden, Nathda's virility sagged. By that time, the man and the wife had 3 children, 2 daughters and 1 son, all below the age of seven. Dhuri had good reasons to complain against this development and she had threatened to marry another man in case Nathda failed to regain his sexual prowess.

The night of 8 September 1962 was dark. The unhappy couple was sleeping as usual in their house in village Ghana of Dhar district. In the adjoining room were sleeping Nathda's brother Nurla along with his wife, Janu. At about midnight, Janu woke up hearing the sound of beating. She overheard Nathda telling Dhuri in the verandah, 'Since I am suffering I'll make you die with me'. Nurla also woke up in the meantime. He rushed to the verandah and caught hold of Nathda, who was standing there with an axe, blood dripping from it. Attracted by Janu's alarm, Nahar Singh and Chhamaria also arrived on the spot. Till then, on account of darkness, the tragedy that

had been enacted there could not be seen. Then a 'chimni' was lit and in its flickering light, Dhuri was seen lying in a pool of blood. She was gasping for breath. Moments later, she breathed her last. Nathda, besides cutting off her nose, had inflicted as many as 15 axe injuries on her.

Nathda made no attempt to escape. He was produced at the police station at Dahi, by the village watchman, tied with a rope. In the course of the trial, Nathda admitted to have killed his wife. The reason advanced by him was that Dhuri was not prepared to live with him any longer. In the circumstances of the case the trial court awarded him the lesser penalty of imprisonment for life which was subsequently upheld in appeal by the High Court.

The following is an excerpt from the judgment of the Sessions Judge delivered on 17 November 1962:

True that none of the above witnesses actually saw the accused Nathda fatally assaulting his wife. The circumstantial evidence, however, is such as weaves a complete net of guilt around Nathda. The accused Nathda has, however, attempted to show that he killed his wife as she was not willing to stay with him. The story must be rejected outright as before two witnesses, he (Nathda) attributed his fatal assault on Dhuri to his bodily infirmity. That apart, the conversation he had with his wife while striking her does not show that she was then about to leave him for good. As a matter of fact, she must have been sleeping with her child when she was suddenly attacked by her husband. The real reason for the attack seems to be the morbid state of mind of accused Nathda resulting from his sexual debility. It is to that, that his wife, an innocent and helpless woman, fell prey.

\*\*Thavaria Bhil, aged 25 years, and a resident of Jajam Khedi village in Dhar district married Raili, the daughter of Hira and promised to pay Rs. 300 by way of bride-price. A sum of Rs. 160 was paid by him and the balance remained outstanding even after 7 years of marriage. Raili came to her parents in village Kurada-khal. After two months, Thavaria came to escort her home. Raili's brother Dhulia, aged 30 years, refused to send Raili unless the balance of Rs. 140 was

paid off. This led to an exchange of hot words between Dhulia and Thavaria and the latter got up to leave the place. He picked up his 'godri', 'tangari' and axe and moved out. At that point, Dhulia followed him and requested him to stay for dinner. At this moment, the pent-up anger of Thavaria exploded and he delivered an axe-blow on the left side of the head of Dhulia which floored him. Thavaria delivered two more blows on the face and on the neck and fled with the axe in his hand. A few hours later, Dhulia succumbed to his injuries. The incident took place on the evening of 12 September 1962.

Thavaria denied having killed his brother-in-law and contended that, in fact, it was the deceased who had assaulted him with an axe which he successfully warded off with the cot that he was holding. As was to be expected, Raili, in a bid to save her husband, turned hostile to the prosecution. But the version of the bereaved parents was found reliable and Thavaria was held responsible for the fatal injuries on Dhulia. The trial court, however, was of the view that the offence made out against the accused was not murder but that of culpable homicide not amounting to murder, punishable under section 304 Part I IPC. Consequently, a sentence of 7 years' rigorous imprisonment was awarded.

**\*\*Wanton fratricide by Vesta.** a young Bhil aged 35 years, of village Chherad in Dhar district, resulted in his imprisonment for life. 'Navai' is an important festival of the Bhils. On that day, they observe a fast till late afternoon. Thereafter, 'rabdi' (maize soup) is prepared with the freshly-harvested grain. It is first offered to the deities and afterwards it is partaken by all the members of family as 'prasad'. In 1962, 'Navai' fell on 30 September. Jamsingh Bhil, aged 30 years, went to invite his brother Vesta to join the celebrations. Vesta was harbouring a grudge against Jamsingh because he felt that his goat had been appropriated by Sundaria who claimed the same by way of compensation for Kisan's misdemeanour with his daughter Budha. Kisan was also the brother of Vesta and Jamsingh and since Kisan and Jamsingh were living jointly, Vesta felt that both of them were equally responsible for his deprivation. That being so, he refused to accept the invitation and asked Jamsingh to return his goat.

A little before dusk, Vesta went to the house of Jamsingh but not to join the festivity. He went there armed with his bow and arrows. Jamsingh, Kisan, their mother Gulabi, Jamsingh's wife Rama and others were then sitting in the verandah enjoying the 'prasad'. Vesta halted at some distance from them with an arrow cocked on his bow. He hurled abuses at Jamsingh challenging him to come out, adding that he would kill all of them. More stunned than frightened, Jamsingh proceeded towards him with folded hands requesting him to share 'prasad'. In reply, Vesta shot an arrow which imbedded itself in the abdomen of Jamsingh, who in vain attempted to apprehend his assailant. At some distance from his house he dropped down dead. The accused left behind a broken bow, 3 arrows and made good his escape.

The defence version was that Vesta went to the house of Jamsingh attracted by the cries of his mother and sisters-in-law. There he found Jamsingh lying dead. Vesta claimed that he had been falsely implicated due to enmity. He stated that Jamsingh had lost his life on the previous night of the alleged incident in an attempted theft.

There was nothing to suspect the veracity of as many as 4 eye-witnesses produced during the trial by the prosecution. Naturally, therefore, the flimsy story of the accused was rejected outright. It might be asked why the accused Vesta took the life of his brother; in other words, what was the motive of the crime. The fact is that Vesta had kept his goat with Sundaria, brother of his wife Valli. Sundaria had a daughter Budha and it so happened that Kisan, younger brother of the accused Vesta had outraged her modesty. Thereupon, Sundaria very conveniently appropriated Vesta's goat by way of damages. Vesta was angered at it because Kisan had separated from him and was living with Jamsingh and not with him. Therefore, when Jamsingh went to Vesta's house to extend an invitation to him, the first thing he did was to demand a goat from him. Vesta's question was why he should suffer the loss of a goat when his younger brother Kisan, who was living jointly with Jamsingh, was actually liable to pay the damages. Jamsingh refused to give him a goat and he also refuted the allegation made against Kisan. That enraged Vesta so much that he did not hesitate to kill his younger brother.

The trial court in its judgment of 7 December 1962, held:

I would therefore, convict the accused Vesta of the offence under section 302 of the Indian Penal Code. This one, however, is not a fit case for awarding capital punishment. The accused Vesta is, therefore, sentenced to imprisonment for life under section 302 of the Indian Penal Code.

The High Court also, in their judgment of 10 September 1963, concluded: 'The conviction of the appellant for the offence is, therefore, proper. He has already been sentenced with life imprisonment which is the appropriate sentence in this case.' The appeal was, therefore, dismissed.

\*\*Nabibai was married to Balu Bhil in 1954. They had 3 children. The oldest was 4 years old and the youngest only 5 months old. As usual amongst the Bbils, Balu lived with his wife and children in a separate hut adjoining the hut of his father Kisan. On 2 October 1962, Balu spent the night in his barn armed with a muzzle-loading gun. He returned home early in the morning. It is alleged that seeing his goat lying dead, he asked his wife as to how the goat had died. This led to an altercation between them and Balu is said to have shot his wife in the chest, which proved instantaneously fatal. Devji was the Patel of the village. It is alleged that when he enquired from Balu as to how his wife had died, the latter confessed to having shot her with his gun. Balu is further alleged to have confessed his guilt in the presence of Naraio and Heeralal.

The police reached the scene of occurrence on 3 October 1962. Balu was found in his house and was placed under arrest. He did not have any licence for the gun and, therefore, he was charge-sheeted for murder as also under section 19F of the Arms Act. The accused submitted that he had left the gun in the verandah and had to run towards the barn because some cattle had trespassed inside and were damaging the crops. In the meantime, he heard the discharge of the gun and on returning, found his wife dead in a pool of blood. In substance, the plea of the accused was that the loaded gun, which he had kept in the shed early in the morning on his return from the granary, fell down, went off and hit his wife. At the trial, the evidence

of extra judicial confession was considered unreliable. There being no eye-witness and there being absolutely no motive for the crime, the theory of accidental discharge of the gun resulting in the death of Nabibai was held to be quite probable. Balu was, therefore, acquitted of the charge of murder in the judgment delivered by the trial court on 4 January 1963. He was, however, found guilty of possessing a gun without licence for which a sentence of 1 year's rigorous imprisonment was awarded. The trial court has recorded the following finding in regard to the charge of murder:

The prosecution has also failed to establish the alleged motive for the commission of this crime. It is true that in a criminal case, evidence of motive becomes immaterial when direct and credible evidence of an eye witness is available. But it assumes importance in the absence of direct evidence and when the case rests upon circumstantial evidence only. From the foregoing reasoning and discussion, <sup>we</sup> find that in the instant case, the circumstantial evidence against the accused is not such, as is not incompatible with the innocence of the accused. Apart from this, the extra-judicial confession alleged to have been made by the accused is neither voluntary nor it finds corroboration from independent evidence. In view of the aforesaid conclusions, it shall not be free from risk to convict the accused for the crime of murder and at least he deserves the benefit of doubt.

**\*\*Ramli**, a woman of 20 years, lived with Kanji Bhil of Sardarpur, district Jhabua, as his wife. After some time, she left him and subsequent to the payment of compensation to her former husband, she started living with Mohansingh, a Bhil of 21 years, as his wife, in village Manipole of district Jhabua. Though she preferred Mohansingh to her previous husband, they were not very happy because Mohansingh used to beat her. Therefore, Ramli had to run away twice, but each time Mohansingh brought her back. Once she had gone to the house of her maternal uncle and on the other occasion, had gone to another uncle. On both these occasions, Mohansingh brought her back. On the night of 21 October 1962, both husband and wife were sleeping on the 'mala' (a raised platform for watching the crops)



in their field. About midnight, Ramli raised an alarm which attracted Nagarsingh, Khumsingh, Naharsingh and others from the neighbouring fields. They found Ramli lying on the ground naked. On enquiry, she said that thieves had come and had stolen her ornaments after beating both of them. She said that she had also been pushed down the 'mala'. Nagarsingh and others found that her husband Mohansingh had as many as 11 incised wounds on his person, 7 of which were on the head and face and the eighth on the neck. His frontal bone had been fractured. Some superficial injuries were found on Ramli as well. Mohansingh died of shock and haemorrhage the next day at 9 P.M. in the Jobat hospital.

The police suspected Ramli of Mohansingh's murder. About a week after the incident, when she was arrested, she led the police to the discovery of some items of ornaments which she had given out as having been stolen by thieves. On the basis of circumstantial evidence, the trial Judge rejected the story of killing of Mohansingh by the thieves as a clever concoction of Ramli to cover up her crime and sentenced her to imprisonment for life. During the course of trial, the accused Ramli pleaded not guilty and denied that she had helped the police to recover the stolen ornaments. She submitted that Mohansingh was her husband and that there was no reason for her to murder him.

In the judgment of 26 September 1963, the trial court held Ramli guilty of an offence under section 302 of the Indian Penal Code. Considering that Ramli was a young tribal woman, the trial court inflicted the lesser penalty of life imprisonment under section 302 of Indian Penal Code.

The High Court, however, did not agree with the Sessions Judge and recorded the following finding in their judgment of the 16 July 1964:

As she was herself found to be injured and lying unconscious and unless we say that she is a woman with sufficient intelligence to know what would be her defence in case she would be charged of murder, the circumstance cannot be considered against her. It would be too much to expect that after killing her husband, she would cry in the name of thieves and then, in order to say that she was also injured, she would cause injuries to her person and would feign unconsci-

ousness. As we do not find, even taking the prosecution evidence at its maximum that they are sufficient for a conviction, we have no hesitation in saying that the conviction is not justified and she is entitled to be set at liberty. The result is that the appeal is allowed, the conviction and sentence passed against Ramli under section 302 IPC are set aside and she is acquitted.

**\*\*Alsingh Bhil**, aged 25 years, lived at a distance of about 1 furlong from the house of his cousins in village Gadwara of Jhabua district. His cousins, Bhilu, Amra and Kamji lived along with their family members in their houses adjoining their fields. The livestock belonging to Alsingh frequently damaged the rice crops of Bhilu. On this account Bhilu, admonished Alsingh and warned him of grave consequences if he failed to take care of his cattle. Hardly had a week passed when Alsingh's cattle were again found damaging the rice crop of Bhilu. This happened on 8 November 1962 and it was dusk. Bhilu drove the cattle from his field and chased them up to the house of Gula which was at distance of about 60 paces from the house of Alsingh. Gula and his wife Vesa were then standing in front of their house. Bhilu abused Alsingh in their presence. It appears Alsingh also heard the abuses from his house and, arming himself with a stick, rushed towards Bhilu. He gave him a heavy blow with the stick which almost smashed the head of Bhilu. He fell down unconscious with blood coming out of the wound as also from his mouth and nostrils. Alsingh went back to his house with the stick. Gula went to the house of Bhilu and told his brothers about this incident. Amra lodged the first information report in the police station at Jhabua. The next day, Bhilu expired in the hospital. The weapon of offence, the stick, was recovered by the police from the roof of Alsingh's house.

At the trial, Alsingh denied his guilt but the trial court found the testimony of Gula and his wife wholly reliable and convicted the accused on the charge of murder and sentenced him to imprisonment for life. In appeal, the High Court upheld the conviction and the sentence imposed upon Alsingh by the trial court. The appeal was dismissed.

**\*\***The immediate and almost childish cause of this murder was a piece of sugarcane. On 11 November 1962, Tersingh and Juwansingh, along with Mehtab, had gone to the Gandhwani weekly market, where Juwansingh purchased a sugarcane. On their way back, Tersingh and Juwansingh consumed some liquor at Bhurlighati. On reaching Bildari, the village where Tersingh and Juwansingh lived, the 3 went straight to the house of Dalsingh for a smoke. In the course of conversation, Tersingh snatched away the piece of sugarcane from Juwansingh and started chewing it. This resulted in a scuffle between Tersingh and Juwansingh. As could be expected, Dalsingh reprimanded Tersingh. Enraged at that, Tersingh went to his house and came back with a muzzle-loading gun and shot Dalsingh dead. When the incident occurred, many persons were sitting at Dalsingh's house. Since Tersingh did not possess a licence for the fire-arm, he was sent up for trial on charge of murder and also for keeping a gun without licence.

Tersingh admitted that he had gone to the bazar along with Juwansingh and Mehtab but asserted that he came back home and nothing, that had been alleged by the prosecution, occurred. He did not adduce any evidence in his defence.

The Sessions Judge, in his judgment of 21 February 1963, found the evidence put forth by the prosecution unworthy of credence and acquitted Tersingh of the charge of murder.

**\*\***Bhavsingh, aged 50 years, and his wife Dadmi, aged 45 years, used to live in one portion of the house. The other portion was occupied by his son Kanji, his wife, and their sons, Mali and Daryavsingh. The family was joint in estate but separate in mess. On the morning of 16 November 1962, Bhavsingh asked his teenaged grandson Daryav to help him in irrigating the field. Dadmi did not like the idea and refused to spare him for the job. That resulted in a wordy duel between Bhavsingh and his wife. Dadmi could have still lived, had she allowed the matter to rest there. Unfortunately, she did not do so and picked up a log of wood and raised it in a defiant mood at her husband. Enraged thereby, he snatched the wood and belaboured her with it. She dropped down dead. After consultation with his relatives, Bhavsingh went straight to the police station at Manawar in Dhar district and narrated the whole

incident. He was immediately arrested.

Bhavsingh did not dispute that his wife Dadmi met with a violent death at his hands. He, however, contended that his wife had picked an unnecessary quarrel with him and had gone to the extent of assaulting him with a log of wood. This he could not tolerate and, therefore, he dealt her a blow. But her murder was the last thing that he ever had in his mind. If she died, it was because of her delicate health, rendered more delicate due to illness. Bhavsingh's grandson Daryav did not make any attempt to resort to falsehood in order to save his grandfather. He gave a truthful account of the incident, that Bhavsingh had delivered 2 heavy blows with a log of wood to his wife. On consideration of the evidence, the trial court found Bhavsingh guilty of culpable homicide not amounting to murder and taking the circumstances of the incident into consideration, awarded a sentence of 18 months' rigorous imprisonment. No appeal was preferred.

\*\*Surpal, a former resident of Machhalaimata, had subsequently shifted to Thandla township, which is at a distance of a couple of miles from the said village. Panna, Onkar and Jovarbhai of Thandla had in the beginning engaged Surpal to keep a watch over their crops. Then, in 1961, they engaged Surtan of village Machhalaimata for this purpose. In 1962, the job was again entrusted to Surpal. This annoyed Surtan, his brother Bijiya, another Bijiya, son of Malla and Vesta, all residents of Machhalaimata.

On 13 December 1962, shortly after dusk, Surpal was taking his meals inside his hut. His wife Somli was serving him meals. Badiya, Hawali and Bijoo were sitting outside in the courtyard. Surtan, along with his brother Bijiya, another Bijiya, son of Malla, and Vesta came running from their village hurling abuses at Surpal and demanding an explanation as to how he had taken over the watchmanship of the fields of Panna, Onkar and Jovarbhai. All the 4 were armed with bows and arrows. Surtan and his brother Bijiya entered the hut and dragged Surpal out. Thereafter, all 4 of them started beating him mercilessly with sticks and also with their bows. Finally, Surtan's brother Bijiya dealt a heavy blow with his sword which proved fatal. The assailants took to their heels. Surtan and his associates contended

at the trial that the real assassins were not brought before the court and that they were mere scapegoats. At the instance of the accused persons, the weapons of offence used by them were recovered from the place of hiding. The sword was found to be stained with blood but the blood's origin could not be determined due to disintegration.

The trial court, in its judgment of 13 May 1963, found the evidence of the prosecution witnesses credible and convicted all the 4 accused on a charge of murder sentencing each one of them to imprisonment for life; in addition, Surtan and his brother Buiya were also convicted under section 449 IPC for committing house trespass in order to commit an offence punishable with death and were sentenced to 5 years' rigorous imprisonment and fine of Rs. 100 each with a direction for the concurrent running of both the sentences. The High Court, in their appellate judgment of 18 December 1963, confirmed the conviction and sentences, excepting the sentence of fine which was scrapped as unwarranted.

**\*\*Kandia Bhil**, aged 25 years, and a resident of village Bokadia in Jhabua district, stole a number of fowls from the adjoining village Kadwalia. Nansingh Bhil's fowl was also thus stolen and killed. This was at about midday on 23 December 1962. Naturally, therefore, the men of Kadwalia village, including Nansingh, aged 40 years, were angry that their property should have been so brazenly taken away by Kandia. In fact, Nansingh was prepared to go to the police to make a report and did, in fact, later on make a report but after the happening which paved the ground for his own prosecution on a charge of homicide.

Kandia had, somehow, information of Nansingh's preparation to lodge a report at the police station. This infuriated him. He came to village Kadwalia in the company of his friend Radhalia who was, however, nowhere near the scene of the incident at Nansingh's house when Kandia lost his life. Going to Nansingh's house, Kandia shouted that he was going to kill him for his audacity to think of making a report against him to the police. Nansingh closed the door of his house enclosure with a rope but Kandia forced his way inside. He was armed with a bow and arrow. Members of this class freely move about

carrying such weapons. But the point is that he threatened Nansingh and did actually shoot 1 or 2 arrows, one of which hit the outer door which the womenfolk had just bolted from inside. Nansingh and his servant Raisingh (aged 27 years) apprehended the danger to their lives and rushed inside, but unfortunately, the only door in the house was already bolted from within by the womenfolk and these men entered the adjoining room which was quite unsafe, being without doors. Thus cornered by Kandia, who was armed with bow and arrows and had already let go 2 arrows, Nansingh shot arrows at him. Raisingh in his turn hit him with a sickle. Kandia died immediately. There were about a dozen injuries on him, 3 of which were puncture wounds obviously caused by Nansingh's arrows.

Both the accused persons, Nansingh and Raisingh, admitted the sequence of events till the shooting of the arrow by the deceased. The subsequent story was denied by them outright. They contended that Kandia had been killed by his associate Radhalia.

An important feature of the case was that Nansingh's sister Thooti and her niece Kundlia who had come as guests to the house of Nansingh unhesitatingly related the facts as they witnessed them. The trial court concluded that the assailants did have the right of private defence, but they exceeded that right, as was evident from the number of injuries found on the dead. In result, both of them were held guilty of culpable homicide not amounting to murder and sentenced to 5 years' rigorous imprisonment. This judgment was pronounced on 31 December 1963.

The High Court, in their judgment of 14 July 1964, set aside the conviction and sentence of the trial court and concluded:

All things considered, therefore, I am not prepared to hold that the right of private defence was exceeded either by Nansingh who and the members of whose family were immediately threatened or by Raisingh who was a servant working at that place for Nansingh. Their appeals have to be allowed. The conviction and sentences on both the appellants are, therefore, set aside and the appellants Nansingh and Raisingh are directed to be released unless wanted in some other case.

The High Court further observed:

There is no law that the person exercising his right of private defence shall wait till he is actually injured, but any unmistakable gesture as would reasonably put him in fear of grievous hurt or death is sufficient to justify his taking appropriate and reasonable steps including the exercise of that right to frustrate the attempted attack. It may be noted that in the instant case, the apprehension was not of grievous hurt merely, but of death itself. Nor is there any principle that a person exercising this right should weigh every blow on golden scales.

\*\*Vesia took Ramsingh's sister Kekaide as his wife. On 28 January 1963, Ramsingh, accompanied by Juwansingh, Jaharsingh and Bija, came from village Naharkodra to Pipalia where Vesia was residing. They stayed there overnight and in the morning convened a panchayat for the settlement of compensation to be paid by Vesia to Ramsingh for keeping his sister as his wife. It was decided that Rs. 400 should be paid as compensation. Vesia was prepared to give Rs. 200 and wanted some time for payment of the balance. This, however, was not conceded to, by the other party and therefore livestock worth Rs. 200 were given together with cash of Rs. 200.

It appears that the refusal of Ramsingh and his associates to accede to the request for a staggered payment annoyed Vesia and his party-men. Ramsingh and his companions started back for their village at about 4 P.M. after taking lunch at Nahala's place. When they reached the outskirts of the village Naharkodra, Radiya, Vesia, Khumsingh, Nathu and Dagdia were seen coming towards them. Khumsingh and Radiya were armed with bows and arrows and the rest had stones with them. Khumsingh and Radiya shot arrows, one of which hit Juwansingh, as a result of which he fell down on the ground. Nathu and Dagdia also hit Juwansingh with stones. Ramsingh was injured on his elbow joint by Radiya's arrow. Ramsingh, Joharsingh and Bija hid for safety in a ditch and came out only when the assailants had gone away. Juwansingh was found dead. Two days later, on 31 January 1963, Radiya and Vesia were arrested by the police. The remaining 3 offenders Khumsingh, Nathu and Dagdia absconded and could not be traced.

During the trial, Radiya and Vesia averred that at the panchayat meeting, one Narayan had offered to give Rs. 500 if Kekdia was given to him as his wife. Ramsingh was inclined to accept this offer but Juwansingh opposed this idea. It was Ramsingh, Jaharsingh, Bija and others who, on this account, stoned Juwansingh to death and falsely implicated Radiya and his associates. The trial court did not accept this plea put forth by the defence. In view of the fact that the fatal injury was caused by the absconding accused, Khumsingh, and because there was no proof that the rioters had common intention to kill any of their opponents, constructive liability for murder could not be fastened on Radiya and Vesia. They were, however, found guilty of rioting and sentenced to short terms of imprisonment.

The High Court, in their judgment of 22 October 1963, concluded:

However, the appellants should consider themselves lucky, in as much as, the State has not chosen to file an appeal against their acquittal under section 302 Indian Penal Code read with section 149 or in the alternative section 34, Indian Penal Code. All the same there has been an error beneficial to the present appellants. Neither their convictions nor their sentences are liable to be interfered with in their favour. As a result, this appeal fails and is dismissed.

**\*\*Kaniya Bhil's sister Masari was married to Khumsingh Bhil. After some time, they separated and Masari went back to live with her brothers Kaniya, Kisan and Mania in village Bokadia in Jhabua district. Masari had lived with Khumsingh for nearly 3 years and had 2 issues by him. Khumsingh also lived in village Bokadia. On 24 February 1963, Khumsingh, along with his brother Malsingh and their father Nanla and relatives Ditala and Dasariya attacked Kaniya when he was returning from Nalah and shot arrows at him. Khumsingh's arrow killed Kaniya. It was alleged that the assassins tried to kill Kisan also. All of them were prosecuted on charges of rioting, murder and attempt to commit murder. While Khumsingh pleaded self-defence, stating that it was Kisan and his associates who had mounted an attack on him and that Kisan's arrow had accidentally struck Kaniya, as a result**



of which he died, the remaining accused persons denied their presence at the scene of occurrence. On the basis of the evidence adduced by the prosecution, the trial court came to the conclusion that only Khumsingh was guilty of murdering Kaniya. The story of rioting and the attempt on the life of Kisan was held doubtful. Consequently, Khumsingh was sentenced to imprisonment for life and the remaining accused persons were held not guilty and acquitted of the charges framed against them. The finding of the trial court delivered on 15 January 1964 was that: 'the accused Khumsingh shot the fatal arrow at Kaniya without the least provocation'. The court further observed that it was Khumsingh's intention to kill Kaniya or that at any rate Khumsingh knew that in the ordinary course the bodily injury intended by him would result in the death of Kaniya. Since the accused belonged to an aboriginal tribe and he committed the crime on the spur of the moment, the court did not feel inclined to award the capital punishment. The High Court, in their judgment of 23 November 1964, rejected Khumsingh's appeal and upheld the conviction and the sentence pronounced by the trial court.

\*\*Ditia, a Bhil of village Khadki, district Dhar, was celebrating the marriage of his daughter. As usual, a dinner was arranged in the night and though the witnesses did not say so, it was unlikely that liquor was not served, that being customary among the Bhils. During the feast, some guests including Ganna, aged 35 years, made loud protests about the bad taste of the food due to the overuse of salt. Some members of the host family including Sigdar reacted sharply and a scuffle took place. The village chaukidar intervened and with the help of a few more persons, made Ganna and his companions leave Ditia's house. After a short interval, Sigdar accompanied by his wife, walked back to his house. Ganna was standing there at a distance of about 50 feet. No sooner did Ganna see Sigdar, than he shot an arrow which hit Sigdar in his abdomen. Ganna then ran away towards the brook where the marriage party was staying. The injured was removed to the hospital where he was operated upon. His dying declaration was recorded. He did not survive and died soon after the operation was over.

Ganna refuted the charge and contended that Ditia and his men had beaten him so much that he had lost consciousness and that he had no bow and arrow with him.

The Sessions Judge, after assessment of the evidence, held Ganna responsible for the arrow injury on the deceased but held that the case did not amount to murder. He held the accused guilty of culpable homicide not amounting to murder and sentenced him to rigorous imprisonment for 5 years.

The High Court found no reason to disagree with the Sessions Court and in their judgment of 17 January 1964, maintained the conviction and sentence and dismissed the appeal.

\*Lunja Bhil, aged 22 years, previously resided in village Junagaon of Jhabua district but was later on brought by his uncle, Lalu, to stay with him in village Andharwad. Hamir Bhil, also aged 20-22 years, was an agricultural labourer and worked with Lala, son of Pidia. In March 1963, the wheat crop had started ripening necessitating a constant watch to prevent damage by animals. Both Hamir and Lunja used to go to the fields for this purpose. On 6 March 1963, Hamir had gone to the field belonging to Pidia with a bow and arrows while Lunja went to Lalu's field armed with 'phalia'. After nightfall, when most of the people had gone to sleep, Lunja demanded an explanation from Hamir for breaking his bow-string. Hamir denied the allegation and wanted Lunja to show him the broken string. Both of them started for the village, Lunja was carrying his 'phalia' with him and Hamir was armed with the customary bow and arrow. On the way, Lunja gave a blow with the 'phalia' on Hamir's head, who fell down. Then Lunja dealt him repeated blows with the same weapon and killed him on the spot. The time was about 9 P.M. Thereafter, Lunja washed his 'phalia' in a nearby rivulet and went to Bhucha and Kasna who were sleeping in the field of the Vasna and told them what had happened. He returned home at midnight and after waking up his uncle told him that he had killed Hamir. Thereupon, he was produced before the village officials. As Lunja confessed his crime, the village panchayat was convened forthwith and Lunja candidly admitted his guilt before it. He

also conducted the villagers to the spot where Hamir's corpse was lying in a pool of blood. In the morning, he was handed over to the police. In the course of investigation, Lunja's clothes were seized and the same were proved to be stained with human blood. His 'phalia', on chemical analysis, showed that it was stained with blood.

Lunja, in his defence, pleaded that he was going alone and stumbled against the dead body of Hamir and immediately informed those who were sleeping in the nearby fields. The accused did not adduce any evidence in his defence. The trial Judge disbelieved this version for good reasons and relying on the evidence produced by the prosecution and also taking into account a series of extra-judicial confessions made by Lunja, as also the discovery of the blood-stained clothes in his possession, held him guilty of murder and sentenced him to imprisonment for life. The High Court dismissed the appeal in their judgment delivered on 16 April 1964.

**\*\*Belief in witchcraft** which is a distinguishing feature of tribal life formed the motive for the murder of Bijali, a Bhil woman, by her husband's brother Malsingh, aged 40 years. Malsingh Bhil lived in an adjoining hut in village Kakadwa of Dhar district. Malsingh had been unwell for a long time. He strongly believed that the cause of his ailment was the black magic of his sister-in-law, Bijali, whom he regarded as a confirmed witch. By and by, Malsingh was driven to the elimination of Bijali. This driving passion consumed him more fiercely than the tuberculosis with which he was, in all probability, afflicted.

Malsingh had an unlicensed muzzle-loading gun. On 12 March 1963, at about 8 P.M., he returned to his cottage after taking his meals as usual with his elder brother and felt that the moment had come. He took his gun and fired a shot at Bijali who had then come out of her hut to clean the utensils. Bijali instantly succumbed to the gun-shot wounds. Leaving behind the gun, the accused disappeared in the darkness. The accused remained away till 19 March 1963, on which day he was apprehended in a nearby forest.

In the trial that followed, the accused was found guilty of the cold-blooded murder of Bijali as also keeping in his possession an unlicensed fire-arm. The accused pleaded not guilty. His

defence was that he had gone to the forest and returned from there on a day following the day of the incident. Finally, he put forth the plea of false implication but did not adduce any evidence. On the question of the sentence, the trial court observed :

It goes without saying that in such cases of cold-blooded murder the normal punishment is death and imprisonment for life is an exception. In the instant case the accused is not shown to be cruel or quarrelsome by nature. Accused is an illiterate Bhil who lives in the midst of environments reminiscent only of the dark ages where gross ignorance and superstition prevail. The accused had a superstition that the deceased was a witch and did not allow him to improve in health and in this superstitious state of mind, he fired the gun and caused the death of Bijali. Having regard to these peculiar circumstances, I feel that the imprisonment for life would meet the ends of justice.

This judgment was delivered on 17 July 1963.

The accused preferred an appeal before the High Court. In the judgment pronounced on 2 March 1964, the High Court dismissed the appeal and maintained the conviction and sentence ordered by the trial court.

\*\*Jamsa, Bhil of village Chamjhar, aged 40 years, had given land for cultivation to Bhangda, aged 35 years, of the same village in Dhar district. On 16 March 1963, Jamsa, Bhangda, Seku, Jamsingh, Khumla, Bhawsingh and some others had been to the chaukidar's house for tile-turning. In the afternoon, they were returning after finishing the work. Seku, Jamsa and Bhangda being neighbours, were returning in one group. Seku was a little ahead of the other two. Jamsa told Bhangda that he intended to take back his land and the latter having no land of his own may desert the village. An altercation took place between them. Bhangda became enraged and hit Jamsa with a stone on his head. Jamsa fell down. Even after this, Bhangda continued to hit him with the stone on the head till he was dead. Bhangda then straightaway went to the 'chaukidar' Galiya and narrated to him that he had killed Jamsa and that

he may be taken to the police station. Bhangda was tied by the chaukidar Galiya and taken to the police station at Tanda where he was arrested. At the trial, Bhangda pleaded not guilty and submitted that Jamsa had taken liquor and died as a result of a fall in a state of intoxication.

The Sessions Court, in the judgment of 6 July 1963, held :

Jamsa had given land for cultivation to the accused Bhangda. Jamsa told the accused Bhangda that he would not give the land for cultivation any more. This was the cause of incident. (But) it cannot cause such a provocation that he may lose his balance of mind. Accused pelted stones even after Jamsa fell on the ground. He caused injuries on the different parts of the head which suggest that they were caused by more than one stone. Deceased Jamsa was not the aggressor and therefore the accused acted in a cruel and unusual manner. In the absence of any circumstances to show that the injury was caused accidentally or unintentionally, it had to be presumed that accused had intended to cause the inflicted injury. The accused is a member of the aboriginal tribe whose minds are less developed. He acted under provocation from the deceased though not grave. I will, therefore, inflict lesser penalty to him for the offence.

Accordingly, Bhangda, was convicted of the charge of murder and sentenced to imprisonment for life.

The High Court in appeal was of the opinion that the offence committed by the accused did not amount to murder. Accordingly, in their judgment of 31 January 1964, they concluded :

We do not think that this is the correct view of the matter. It is beyond dispute that quarrel had started between the appellant and Jamsa over the question of cultivation of land. Appellant had claimed to cultivate the land on the ground that he had prepared it although it belonged to Jamsa. The quarrel started all of a sudden when they were going back after repairing the roof of Galiya 'chaukidar.' In the course of this quarrel the tempers rose and the appellant struck Bhangda with pieces of stone which were lying nearby. It cannot be said that in so doing he had taken undue advantage

or had acted in an unusual and cruel manner. The injury which resulted in the depressed fracture must have been an accidental one.

Accordingly, his conviction was altered to one under section 304 (Part II) IPC for culpable homicide not amounting to murder for which a sentence of 5 years' rigorous imprisonment was considered adequate.

\*\*Sayri, aged 30 years, was the married wife of Sukliya Bhil, aged 35 years, of village Sirsi in Manawar tahsil of Dhar district. Their marriage had taken place 25 years ago and they had 5 children. The eldest child was a daughter named Pramila, whose age was 15 years. Nuribai, aged 30 years, was a resident of village Luhari. She, however, left the village and took shelter in the house of her brother Belja in village Sirsi. She was a widow and a mother of 5 children. She came in contact with Sukliya who claimed to have obtained the consent of his wife Sayri for keeping Nuribai as his second wife. The very day, i.e., on 26 March 1963, Nuribai came to Sukliya's house, she was crushed to death with a heavy stone weighing 8½ kilos by her co-wife Sayri in the middle of night when she was fast asleep. Pramila woke up to witness the gruesome scene. Sayri then ran out of the house and took shelter in the house of Patel Kaluram to whom she told everything and requested that he should save her from her husband's wrath. When Sukliya woke up, Sayri had already slipped out of the house and the incident was narrated to him by Pramila. Nuribai succumbed to her injuries at the hospital 5 days later at Dhar. Her head was practically smashed and had 9 external injuries.

Sayri, in her defence, said that she and Nuribai had quarrelled during the night. In the course of the quarrel Nuribai tried to run and while doing so fell on a stone. This story was rejected by the trial court which considered the eye-witness account of Pramila as being of sterling worth. It was also corroborated by other evidence including the extra-judicial confession of Sayri. This is a case where a daughter aged 15 years deposed against her own mother and remained steadfast even in her cross-examination.

The judgment of the trial court, delivered on 29 June 1963, contains the following observations:

But what exploded the theory of accidental fall is the medical evidence. Both Dr. Khanwalkar and Dr. Srivastava are emphatic that the injuries on the person of Nuribai could not have been caused by a mere fall. It is now that we know that the accused Sayri thoroughly disliked the idea of her husband taking another wife. Who knows, the tragedy might have been averted, had she poured the agony of her heart into the ears of her husband. Unfortunately, she did not. She concealed her true feelings from him. She concealed them from Nuribai also. Sadder still, she gave both of them to understand that she would have no objection to their coming together as husband and wife. She, however, kept appearances. The truth as it seems to me, is that the accused Sayri took her rival unawares. She attacked her with a stone while she was fast asleep.

The High Court heard the appeal preferred by the accused Sayri and came to the same conclusion as the trial court. The appeal was dismissed and the sentence awarded by the trial court was maintained.

**\*\*Amarsingh, a young Bhil of 18 years, was living with his uncle Ramju, aged 32 years, in the village Pipalda of district Dhar. On 3 April 1963, he quarrelled with his father Dhumsingh about some land. Ramju intervened and separated them. While Ramju and Amarsingh were going towards the house, Dhumsingh followed them. Amarsingh, on seeing that Dhumsingh was coming behind them, went and grappled with him at a place quite near the house of Ramju. Ramju asked Dhumsingh to go back to his house. Amarsingh went inside his own house and shortly thereafter came out with his bow and arrows. Without any apparent reason, he shot an arrow which pierced the chest of Ramju on the left side. Ramju tried in vain to catch hold of his assailant who managed to run away. The assault was witnessed by Ramju's wife and neighbours Nursingh, Indarsingh and Bhuri. Ramju died on the spot. In the course of investigation, the bow used by the accused was recovered at his**

instance, Amarsingh, while denying the charge, said that he had absconded from the village because of the thrashing given to him by Nursingh and Bhurla. He also denied the alleged discovery of the bow at his instance.

The trial court found the prosecution evidence reliable and sufficient to prove the wanton killing of Ramju by his own nephew, Amarsingh. The trial court in its judgment of 1 July 1963, held:

The accused was separated from his father and was taken inside the house. The accused then armed himself with bow and arrows and came out. Bow and arrow is a dangerous weapon. When he comes with a stretched bow and arrow, it is apparent that he intended to cause death. Moreover, deceased Ramju did nothing. It was broad day-light and the accused discharged the arrow towards a man standing at a short distance of 10 paces. Ramju died instantaneously. The murder was not pre-meditated, The accused is a member of the aboriginal tribe and a young lad of 18 years of age.

The court convicted Amarsingh under section 302 of the Indian Penal Code and sentenced him to rigorous imprisonment for life.

The High Court, in their judgment of 20 January, 1964, concluded:

The learned Additional Sessions Judge, therefore, was right in convicting the appellant of the offence with which he was charged. The appeal is consequently without force and is dismissed.

\*\*Dhuria Bhil of village Nendra in Jhabua district had a cousin named Dhebra. The latter had pawned 1 silver bangle for Rs. 3 to the former. But the amount remained unpaid. Dhuria was insisting for the payment of this sum. Dhebra tried his best but could not arrange the amount. On 5 April 1963, Dhuria and Dhebra both had been to village Nedra to dispose of their stock of 'mahua'. While returning, Dhuria insisted on the payment of the loan and this resulted in a quarrel between them. After reaching the village, Dhebra went to the house of



Mangtiya in order to avoid a further quarrel with Dhuria. Dhuria followed him there and shot an arrow which pierced Dhebra through the heart. He ran to the house of Sekadia and fell down in the courtyard. Dhebra removed the arrow from his chest but he died soon thereafter. Dhuria picked up the arrow and bolted away. He absconded for nearly 5 years and could be arrested only on 3 June 1968. Dhuria, in his defence, pleaded that Dhebra was killed by some one else and that he had been implicated falsely on account of enmity. The trial court rejected his plea. Finding the evidence adduced by the prosecution as fully reliable, the trial court convicted Dhuria of murder and sentenced him to imprisonment for life. The trial court in its judgment delivered on 26 September 1968 recorded this finding:

Under the above circumstances and by the evidence on record, it is proved beyond any reasonable doubt that the accused did commit the murder of Dhebra and he is guilty under section 302 IPC and the point is decided accordingly and the accused deserves to be punished for committing the murder of Dhebra. The proper sentence for the commission of murder is death. But taking into consideration the circumstances of the case that the accused is the real cousin brother of the deceased and he is a tribal illiterate Bhil; hence the lesser sentence prescribed in law, i.e., imprisonment for life will meet the ends of justice to my mind.

The High Court upheld the finding of the Additional Sessions Judge in their judgment of 9 September 1970, and maintained the sentence awarded to the accused.

\*\*A paltry sum of Rs. 50 ruined 2 young tribals, one of whom died instantly while the other was condemned to a life of hard labour in jail. It is a sad story of 2 young men of the Bhil tribe—Ralia aged 26 years and Shersingh aged 22 years. Their mothers were real sisters. In the year 1959, due to some enmity, Shersingh had injured Ralia on his cheek with an arrow. The matter went before the law court. The maternal uncle of the parties, Raisingh by name, used his good offices to bring about an amicable settlement. The offence was allowed to be compounded and Shersingh was ordered to pay a compensation of

Rs. 50 to Ralia. Shersingh did not have money so he undertook to pay the amount at a later date.

Years went by. Shersingh could not manage to pay the compensation to Ralia. In the first week of April 1963, Ralia went to Ambapura to realise the compensation from Shersingh. As Shersingh was not available that day, Ralia talked about this matter with Shersingh's mother, Punjali, and her new husband Kadia. These people promised to pay the amount after a week. So, on 15 April 1963, Ralia was back in Ambapura in the company of 5 young men to receive the sum. Punjali received them. Her husband Kadia was out but was expected back by noon. Ralia asked Shersingh to come out of the house and discuss the matter. It appears that Shersingh had already made up his mind to eliminate his cousin. He shot an arrow from inside the hut which hit Ralia on the chest. The victim reeled. Instantly, another arrow shot by Shersingh penetrated the left portion of Ralia's chest. He fell down and died.

Shersingh came out of the hut with his bow and arrow and took to his heels. While running away, one of his arrows dropped near the dead body of Ralia. The plea of self-defence adduced by Shersingh was held by the trial Judge as devoid of substance. Shersingh was not found to have even a scratch on his person. Shersingh was, therefore, held guilty of murder and sentenced to imprisonment for life. The judgment of the Sessions Court was delivered on 19 August 1963. The Court, however, observed that the murder was not premeditated and that there was no enmity between the parties.

The accused preferred an appeal to the High Court. The plea of self-defence was reiterated. The High Court, in their judgment of 14 July 1964, held:

The appellant has not come anywhere near proving the right of private defence mitigating either the whole or part of his responsibility. The offence as already described is one of straight murder. The learned Sessions Judge observes and rightly that there was no premeditation and that this was done on the spur of the moment. In view of this he has awarded the lesser penalty. Therefore, the conviction and sentence are upheld and the appeal is dismissed.

\*\*It is likely that Soni's murder was sex-motivated. But it remained shrouded in mystery till the end. Lalu Bhil was an unfortunate child who lost his mother in early childhood. As is not uncommon among the aboriginals, this motherless boy was forced by circumstances to leave his parental haven in search of bread. At the pertinent time, he was residing with his uncle Nanka of village Chumia in Dhar district. Soni was Nanka's young and good-looking daughter, aged 18 years. On 16 April 1963, there were guests in the house who had come with proposals for her marriage. In the afternoon, Lalu, who was then 25 years old, and Soni went to the jungle to eat fruits of 'bekalia'. Something transpired there and Soni was stoned to death by Lalu. Thereafter, he dragged the dead body and hid it beneath the dried leaves in the 'nala' bed and absconded. Nanka and the village-folk combed the jungle and neighbouring villages in vain for 2 full days. Then on 18 April 1963, the dead body was found in a state of advanced decomposition in the 'nala' bed. The clothes were found soaked with blood. A blood-stained stone was lying nearby. Some dried fruits of 'bekalia' were also found at a distance of about 50 feet. There were 2 external injuries on the head, caused by some heavy stone-like object. The bones beneath these injuries had been smashed.

On 22 April 1963, that is, 6 days after the incident, Lalu came to Ramsingh to whose son his father's sister had been married. Ramsingh was aware of the murder of Soni. Therefore, he immediately placed Lalu under arrest. Lalu confessed his guilt. He was produced before the police duly tied with ropes. His medical examination revealed five abrasions on his shoulder, right arm, chest and left knee-joint, corresponding in age to the time of murder.

Lalu pleaded not guilty and submitted that he had been falsely implicated on account of his refusal to work with Nahala, Soni's maternal uncle. He did not adduce any evidence. The trial court, in its judgment pronounced on 9 September 1963, found the circumstantial evidence, duly corroborated by the extra-judicial confession of Lalu, convincing. *The motive for this murder* unfortunately, could not be brought to light. But as pointed out at the beginning, it could be the natural yearning of a young

man to possess his feminine consort in the provocative quiet of the wilderness. The trial court reached the following conclusion:

He (the accused) was the man who was last seen with the deceased. His conduct was unnatural. There was no reason for him to abscond. He has not explained the injuries found over his body of almost the same duration. His extra-judicial confession with the above circumstances leads to one and only one conclusion that the injuries were caused to the deceased by the accused Lalu and none else. It is true that motive could not be proved but in the absence of motive, the evidence cannot be discarded. The accused is a young lad of 25 and belongs to an aboriginal tribe. Intellect of such persons is not developed. I convict the accused Lalu for an offence under section 302 of the Indian Penal Code and sentence him to rigorous imprisonment for life.

The accused preferred an appeal to the High Court, who in their judgment of 27 July 1964, held that the case against the accused had not been proved and they, therefore, set aside the conviction and the sentence awarded by the trial court.

**\*\*Reminiscent of the caveman's skill in the use of stones as an effective instrument for killing, this case demonstrates the dexterity of the Bhil in this ancient, almost forgotten, art of hurling a stone with precision.**

Gamaria Bhil, aged 35 years, was distantly related as an uncle to the deceased Amaria, aged 32 years. They lived separately in village Thuwali of district Dhar. Both of them attended the wedding of Nahoria's daughter on 29 April 1963. Some altercation took place between them and they grappled with each other, but were separated by the bystanders. This seemingly ordinary quarrel appears to have agitated the aboriginal mind of Gamaria out of all proportion. At midday, Amaria returned home along with the members of his family. After about an hour, he heard an abusive outburst from Gamaria, challenging him to come out in the open. No sooner did he emerge than Gamaria hit him with a stone from a distance of 10 paces, with such velocity that it splintered his left parietal bone, damaging

the underlying brain matter. He fell down and died instantly. The killer took to his heels.

At the trial, Gamaria, apparently under the instructions of his counsel, tried in vain to suggest that on his way home from the wedding, he was pursued and attacked by Amaria and his brothers, all of whom were dead drunk, but he managed to escape. It was likely that thereafter the deceased was killed by his brothers in a drunken brawl.

Unmindful of the efficacy of a stone used by a primitive tribal as an instrument of violence from close proximity, which may be compared with the use of a high calibre revolver by a modern man, the trial court in its judgment, delivered on 13 August 1963, held Gamaria guilty of culpable homicide not amounting to murder on the ground that his intention to kill could not be inferred with certainty and sentenced him to 5 years' rigorous imprisonment.

The trial court has made this comment in the judgment:

The deceased and the accused are near relatives, they had no previous enmity. Suddenly they quarrelled at Nahariya's place. In my opinion, Gamaria received injuries there. Even if it be taken that he received injuries at the house of the deceased, the accused was the aggressor. He came to the deceased's house and challenged him to come out. From the fact it cannot be said that he intended to murder the deceased. He was beaten and he wanted to hit the deceased. He pelted one stone. It cannot be that he aimed at a particular part of the body. It, therefore, cannot be said that he wanted to cause such injuries as were sufficient in the ordinary course of nature to cause death.

The High Court, in their judgment of 22 October 1963, also held that the conclusion of the trial Judge could not be said to be erroneous either on the point of conviction or on the question of sentence. The sentence awarded was not considered excessive and the appeal was dismissed summarily without notice to the State.

**\*\*The 'amavasya' (dark fortnight) of the Shravan month is celebrated by the residents of village Gutiadeo in Dhar district**

through a festival known as 'Bapdeo'. All the villagers contribute grain towards the expenses at the instance of the village Patel. Food is prepared out of that grain and it is feasted upon by all the villagers. On 1 August 1963, Nambu Bhil and Nansingh Bhil went to Rama's house to collect grain at about 8 in the morning. Rama's brother, Bhursingh Bhil, aged 35 years, was sitting there. He enquired, probably in a lighter vein, whether the grain was being collected on behalf of the Patel or on their own behalf. On this Nambu abused Bhursingh, who in his turn gave 2 slaps to the former.

Just after 5 hours, at about 1 P.M., Heerji Bhil, aged 38 years, Hattu Bhil, aged 36 years, and Dhanraj Bhil, aged 40 years, who were brothers, raided the house of Bhursingh. Nambu Bhil also accompanied them. Heerji and Hattu were armed with bows and arrows. Heerji demanded liquor from Bhursingh. On his refusal, Nambu and Dhanraj caught hold of his hands and held them raised up in the air. In the meantime, Heerji and Hattu shot one arrow each at both sides of Bhursingh's chest. He died instantly. Heerji's bow broke after the shot and he threw it down in disgust before leaving the place. Heerji and Hattu dragged the body of Bhursingh to a nearby drain. The killing was witnessed by Thawali and Suna, mother and wife of the deceased. The murderers were seen moving away from the scene of the occurrence by Rangatsingh, Tejsingh and Juwansingh, all of whom were neighbours of Thawali and were attracted to the scene of the occurrence by the cries raised by Thawali.

All the accused denied the charge and claimed to have been falsely implicated. They contended that they were not present at the scene of the occurrence, but were somewhere else.

The evidence adduced by the prosecution at the trial was found to be reliable. As a result, it was held to be a prearranged cold-blooded murder. Nevertheless, taking into consideration the fact that the perpetrators of the crime, 'belonged to an aboriginal tribe whose intellect is not fully developed', the court refrained from inflicting the capital punishment and sentenced each one of the accused persons to imprisonment for life. The judgment was delivered on 23 November 1967.

In appeal, the High Court felt that the alleged complicity of Nambu and Dhanraj in the killing of Bhursingh was doubtful.

They had gone there to ask for compensation in the shape of liquor for the wrong done to Nambu. As such, their conviction and sentences were set aside. The conviction and sentences of Heerji and Hattu, who had actually shot the fatal arrows were, however, maintained. The High Court's judgment was pronounced on 7 September 1964.

**\*\*The elder sister of Mewali was married to Jamsingh Bhil of 26 years of age and a resident of village Kundi of Dhar district. Jamsingh was given some agricultural land by his father-in-law. In 1961, his wife died and the agricultural land was taken back by her parents. Mewali was young and marriageable. Jamsingh wanted to marry her. But as luck would have it, she was married to Lalsingh, aged 25 years, who happened to be Jamsingh's cousin and was a resident of village Kadwali. On this account, Jamsingh bore a grudge against Lalsingh. After the death of his wife, Jamsingh was involved in a quarrel and fractured his hand. He made a number of attempts to interfere with the marital relations of Lalsingh and Mewali. Two months after the wedding, when Lalsingh was ailing, Jamsingh stealthily entered his house in the night but was seen by Lalsingh's brother, who accosted him and caught him but, somehow, Jamsingh managed to escape. On the night of 25 September 1963, when Lalsingh was sleeping with his wife Mewali in his field on a 'dagla', Jamsingh went there with bow and arrows, called out Lalsingh and shot him dead with arrows, 3 of which struck the vital parts of the body including the abdomen. While running away from the scene, Jamsingh was identified by Mewali and also Malu, a neighbour.**

Jamsingh denied his guilt and pleaded that, on account of his fractured hand, he was unable to use the bow. Besides Mewali, Jamsingh was identified by Malu, when he was running away from the scene of occurrence. The testimony of these 2 eye-witnesses was found fully reliable. The Sessions Court delivered its judgment on 10 January 1964 concluding:

The accused Jamsingh is related to them (prosecution witnesses) and it is, therefore, not probable that they would save the actual culprit and falsely implicate the accused Jamsingh. Accused Jamsingh's wife expired two years ago.

His wife's brother had given land to him for cultivation which he took back after the death of his sister. Jamsingh wanted Mewali to be his wife. But she took deceased Lalsingh as her husband. That he was after her, is corroborated by the fact that he stealthily entered Lalsingh's house two months after Mewali accepted Lalsingh as her husband. Jamsingh is still unmarried. Probably, he thought that he would again get back the land for cultivation if he married the sister of his wife, i.e., Mewali. Thus, he had also a motive for murder. It was a clear night and it was not raining. The accused Jamsingh lives in another village named Kundia adjoining the village, where the occurrence took place. The accused travelled all this distance at midnight and was armed with bow and arrows, which are deadly weapon. He discharged four arrows. There was moon light and he could aim. He wanted to take Mewali as his wife. *All these facts go to show that he intended to murder Lalsingh so that he can have Mewali.*

In view of all these facts, Jamsingh was convicted and sentenced to imprisonment for life on charge of murdering Lalsingh. A lesser penalty under section 302 IPC was accorded on consideration that the 'accused is a young lad belonging to aboriginal tribe, whose intellect is not well developed and who act on the impulse'. The High Court, in their judgment delivered on 26 November 1964 held:

As such, the trial Judge was right in holding that the prosecution has established its case to the guilt beyond any shadow of doubt. Under the circumstances, the appellant's conviction was correct. The lesser sentence having already been awarded by the trial Judge, there is no occasion to interfere either with the conviction or the sentence. Therefore, this appeal fails and is accordingly dismissed.

\*\*On 14 November 1963, Joshia, a Bhil, was returning to his house in village Lingwa of district Dhar. On his way he met Kunjram, aged 40 years, who asked him for a betel-leaf. Joshia expressed his regret saying that he had no money. Kunjram abused him. This led to counter-abuse from Joshia.



Then both of them grappled with each other. In the meantime, Limji, Nuru and Nanka came there. Khemji, aged 42 years, also joined them. Khemji was the brother of Joshia. Limji and Khemji were armed with sticks. Khemji sided with Joshia while Limji supported Kunjram. Then Limji gave a blow with his stick on Khemji's head, which ultimately proved fatal and he succumbed to his injuries in the night. Limji and Kunjram were prosecuted on the charge of murdering Khemji. The trial Judge rejected the plea of self-defence raised by Limji but it was held that he committed the offence in circumstances which did not amount to murder. The trial court, made the following observation:

Common intention requires a prior meeting of minds. Kunjram was grappling with Joshia. He had no occasion to have a talk with accused Limji. He did not invite Limji to cause injuries to Khemji. It, therefore, cannot be said that accused Limji was acting in furtherance of common intention of Kunjram and himself. The fight was not premeditated. There was no motive for murder. It, therefore, cannot be said that the accused intended to commit murder. The only injury which caused death was a blow on the head. The other were simple injuries.

Limji was, therefore, convicted under section 304 (Part II) of the Indian Penal Code and sentenced to rigorous imprisonment for 5 years.

The High Court on appeal maintained the conviction but reduced the sentence. They observed:

The conviction of the appellant under section 304 (Part II) IPC is, therefore, proper. As regards the sentence of five years' rigorous imprisonment, under the circumstances, it is too excessive. Award of three years' rigorous imprisonment would be sufficient to meet the ends of justice.

\*\*Amariya Bhil, aged 30 years, had broken an arrow of Ramsingh in the house of Hangaria. He was reprimanded by Ratnia and Bansia who were present there. This caused strained relations between them. A month later, on 18 November 1963, .

Ratnia, Bansia and Bhavsingh were returning from Bakaner to their village Bhagavanpura in Dhar district. On the way, they came across Amariya, sitting with his uncle Phoolsingh, aged 40 years, by the side of Swaroopsingh's field. Ratnia, Bansia and Bhavsingh challenged Amariya. The exchange of abuses was followed by the shooting of arrows by Amariya. Unfortunately an arrow which was aimed at Ratnia and Bansia hit Gorki, aged 17 years, who was following them in order to enquire about the cause of their quarrel. Actually, Gorki was grazing his cattle in a nearby field and had gone to the scene of the occurrence out of curiosity. Gorki was hit in the chest and fell down after moving a few paces. Later on, he died in the hospital at Dhar on 20 November 1963. In his dying declaration, he named Amariya as the person, who had shot an arrow at him.

Amariya and Phoolsingh were both prosecuted on the charge of murder. The trial court found Phoolsingh innocent but Amariya was held guilty of culpable homicide not amounting to murder and was awarded 10 years' rigorous imprisonment. Both the accused persons pleaded not guilty; they, in fact, did not admit their presence at the scene of the occurrence. They adduced 2 witnesses in their defence.

The High Court, in their judgment of 15 July 1965, confirmed the conviction and sentence. The appeal was, therefore, dismissed.

**\*\*Raksingh Bhil**, aged 30 years, of village Balola in Jhabua district married Bhangadi, daughter of Sabsingh. As per the agreement between him and his father-in-law, he was staying with him as 'ghar-jamai' for a period of 16 years. But he was dissatisfied with his lot and wanted to leave his father-in-law's place, which was in village Chhapri. The difficulty was that, in view of the agreement, certain dues had to be paid, but this could not be arranged and, therefore, Raksingh reluctantly continued to live with his father-in-law. On 6 January 1964, Sabsingh was away from the village. It appears that Raksingh was fed up with his lot. After the evening meals, Bhangadi and Raksingh retired to one of the rooms in the house. At about 10 P.M., Raksingh got up, took out his axe and hurled it at his wife. It hit her on her right cheek cutting the ear and causing

a fracture on her temporal bone. Soon thereafter she died. Throwing the blood-stained axe under a cot, Raksingh absconded. After 4 days of search, the police laid hands on him on 10 January 1964, in a distant village Phurtala. At the trial, the accused pleaded not guilty. The prosecution banked on the eye-witness account of Smt. Anpi, the mother of the deceased and a 10 year-old brother of the deceased, by name Narsingh. The trial court found the evidence convincing and on its basis convicted the accused of murder and sentenced him to imprisonment for life. The arrangement of serving the father-in-law for a stipulated period was the cause of murder. In the judgment, the following observations have been made:

The accused Raksingh is admittedly a resident of village Balola. He had gone to stay at his father-in-law's house as a 'ghar-jamai'. Now a 'ghar-jamai' does seldom ever command self-respect. The accused Raksingh says he felt ill at his father-in-law's scoldings. He was a trifle unhappy. What is more, his agreement to remain as such for 15 or 16 years was painful to him. On occasions, the husband in him started revolting. Even the panchayat people including his brothers placed him at his father-in-law's house for the remaining period of his agreement. He, therefore, it appears, started losing patience.

In regard to the punishment the trial court commented:

The circumstances of the case, that the accused committed murder in vindication of a supposed wrong with only one blow of an axe in a fit of the moment, are not such as would justify capital punishment to the accused Raksingh who belongs to the class of aboriginal tribes.

The accused Raksingh preferred an appeal to the High Court. In their judgment of 7 January 1965, the High Court dismissed the appeal and maintained the decision of the trial court.

\*\*On 10 January 1964, at village Chherad, of district Dhar, Hiraji, Phulsingh, Hirasingh and Mahu (all Bhils) were present

to take part in the 'Nukta' ceremony of Sundariya's father. Harsingh, aged 25 years, was armed with bow and arrows. At about noon, Phulsingh and Hirasingh, in a state of intoxication, unsuccessfully tried to snatch away the arrows from Harsingh. Surbhan and his son Harsingh suspected some trouble and left Sundariya's house. They had hardly covered a distance of a couple of miles, when Hiraji and Phulsingh came running from behind with bows and arrows at the ready. Mahu tried to hold Phulsingh and, in that process, they grappled with each other. Hiraji shot an arrow at Harsingh who was running. The arrow pierced the back of Harsingh and he fell on the ground. Another arrow shot by Phulsingh also hit Harsingh on the back and he died on the spot. Attracted by the alarm raised by Surbhan, the father of the deceased, Harsingh, Sundariya and Butiya arrived there. On seeing them coming, the assailants took to their heels. During the course of the trial, Phulsingh stated that since he had kept with him the wife of Mahu, their relations were embittered. It was for that reason that Harsingh and Mahu had attacked him with bows and arrows, when he was grazing his cattle. Both the arrows were shot by him in self-defence. Hiraji denied his presence at the scene of occurrence. The defence version did not convince the court. It was held to be a cruel and cold-blooded murder by Phulsingh and he was sentenced to imprisonment for life. Hiraji's participation in the crime was accepted. But it was found that the fatal injury was caused by Phulsingh and that the injury caused by Hiraji did not amount to murder. Accordingly, he was acquitted of the charge of murder, but convicted under section 324 IPC for causing an injury with a pointed weapon and was sentenced to 2 years' rigorous imprisonment.

The trial court, in its judgment dated 4 July 1964, held:

Accused Phulsingh has committed an offence under section 302 of the Indian Penal Code. Accused Phulsingh is a man of 35 and belongs to an aboriginal tribe whose intellect is not so developed. I will, therefore, inflict a lesser penalty on him.

The appeal preferred to the High Court by the accused persons was dismissed. In their judgment of 9 April 1965, the

High Court commented that the first appellant, Hiraji, should congratulate himself on getting away with a light sentence.

**\*\*Rama alias Ramu, aged 17 years, and his uncle Narain, aged 30 years, lived in different houses adjoining each other but situated in the same compound in village Rekhti of district Dhar. On 1 April 1964, in the evening, cows belonging to Narain entered that portion of the house which belonged to Rama and began to feed on the 'jowar' stalks stored by him there. Rama drove them away after beating the cattle. Narain protested against the beating of his livestock. This infuriated Rama, who challenged his uncle to come out and settle the dispute. Narain was not loath to do so. He caught hold of Rama's hands. Rama then took out his dagger and delivered 4 blows, 2 on the chest, 1 in the left arm-pit and the fourth in the abdomen. Bherusingh, a nephew of Narain, came and intervened. Rama then disappeared from the scene. Narain succumbed to the injuries after a few days. Rama was later arrested by the police. He gave information which led to the recovery of his dagger, the instrument of offence in this case. Rama, in his defence, stated that Narain was drunk that evening. When his cows were driven off by Rama, the former, under the influence of liquor, assaulted him with a dagger but fell down while chasing him and injured himself.**

The trial court pronounced this finding on 15 July 1964:

Accused Rama's defence is that Narain under the influence of spirit was so helpless as to make it possible for him to have sustained the injuries as a result of his stumbling and falling against dagger which he carried. It is not the suggestion of the accused that Narain had kept on falling over and over again on the dagger after every time disengaging the dagger from the portion of his body where it had earlier struck him. The defence of the accident is wild indeed. Under the aforesaid circumstances, I entertain no doubt that the accused Rama had intentionally dealt all the blows which came to be sustained by Narain. Without extenuating circumstances, the accused would have been guilty of crime punishable under section 302 IPC (as defined in section 300 IPC). But as seen above, the accused had some sudden

provocation though not grave. He then had the right to defend his person though he had far exceeded it. With these circumstances it is also to be considered that he is only 17 years of age.

Rama was therefore convicted under section 304 (Part I) IPC for culpable homicide not amounting to murder and sentenced to 3 years' rigorous imprisonment. The accused went up in appeal. The High Court in their judgment of 8 March 1965 commented:

The reasons as given above for acquitting the appellant are hardly cogent. It is not clear what the learned judge wants to convey. Was it the case where the appellant could be excused because of provocation? If he finds that the provocation was not grave how could his case fall under the relevant exception under section 300 IPC. Does he want to convey that he had a right to defend his person against an unprovoked attack by the deceased and he had only exceeded that right. If that be his idea, the fact and circumstances as disclosed by the evidence do not bring the case under it. There is no appeal by the State against the acquittal of the appellant under section 302 IPC and while hearing the appeal of the appellant, I am not disposed to convert his acquittal, under section 302 into conviction under section 302. The appellant's defence was really comic and did not deserve to be taken seriously. Assuming that the deceased sustained injury with the dagger by his own hand, how could four injuries of that part as found in medical examination have been sustained. The appellant has been rightly found responsible for causing injuries to Narain which led to his death. The appeal is therefore without force and is dismissed.

\*\*In village Bakhtala of district Dhar, Poonja, a young man of 25 years, was desirous of obtaining the young daughter of Salu, for his brother-in-law Dalla. Salu did not agree to the proposal because Dalla was just a labourer. Salu settled the marriage of his daughter with the son of Dhura of village Ketedi of district Dhar. The 'mandap' ceremony was performed on 18 April 1964. Thereafter, at about midnight, the feast was about

to be served when Poonja arrived there wearing a turban and carrying an unlicensed muzzle-loading gun. Salu's only son Amru, aged 8 years, was sleeping near the 'mandap'. Poonja fired at the sleeping boy causing him severe injuries and took to his heels. One of the guests Sheru tried to catch hold of him but Poonja escaped dropping the turban as also the gun. The unfortunate boy died on way to the hospital. The story of defence, put forth by Poonja during the trial, was that he had consumed liquor at Salu's house and was taking the gun inside the house at Salu's instance when he stumbled against a stone in the darkness and the gun was accidentally discharged. However, the evidence adduced by the prosecution during the trial demolished this plea of the defence as a clever concoction. Poonja was held guilty of murdering Amru as also of keeping an unlicensed fire-arm. On the first count, he was sentenced to imprisonment for life and on the other, rigorous imprisonment for 3 years. In determining the sentence to be awarded for the offence punishable under section 302 IPC, the trial court considered certain extenuating circumstances; namely the young age of Poonja, no clear proof of motive, his being an 'Adivasi' and possibly some intoxication, though not within legal recognition, and accordingly Poonja was sentenced to the lesser penalty of life imprisonment.

The High Court in their judgment delivered on 28 July 1965, held:

Thus every thing shows that the appellant brought the gun and fired it at Salu's son. The only possible motive was his annoyance with Salu's family because of their refusal to give their girl in marriage to the appellant's brother-in-law; but it is unnecessary to go into the question of motive because the evidence is clear and beyond doubt. The conviction and sentence are therefore upheld and the appeal is dismissed.

**\*\*Galiya, a Bhil, aged 20 years, was brought as 'ghar-jamai'** by Richhu, father of Nakoo, aged 17 years, (Galiya's wife) in the village Ukala of district Dhar. After a year, Galiya left Richhu's house along with his wife. Richhu raised a dispute over the non-fulfilment of the condition of service by Galiya. However, the dispute was ultimately settled by mediation and Galiya agreed to pay Rs. 700 to Richhu. Galiya could not make

the payment then and there but promised to pay it later. On 1 May 1964, in the evening, Nakoo went to her father's house weeping. She had a wound on the back of her head. She told her father that her refusal to accompany her husband to the jungle annoyed the latter so much that he hit her on the head with the blunt side of his axe. The following morning, Richhu took her to Patel Onkarsingh's house, where Nakoo narrated what had happened. Onkarsingh accompanied Nakoo and Richhu to the police station Tanda, where Nakoo lodged a report of her having been beaten by Galiya. She was sent to the civil hospital at Sardarpur for treatment. She reached the hospital in an unconscious condition and died the same day at 7.15 P.M. The postmortem showed that her skull was fractured at two places and that the brain-matter had been lacerated.

Galiya, in his defence, stated that he had gone to the jungle all alone to cut firewood and that, on his return, he was informed by Nakoo that she had gone to pluck mangoes from a mango tree. The branch of the tree gave way and she fell down and received an injury on her forehead. Galiya then took his wife to her father's house and left her there. He further stated that Nakoo had been encouraged by her parents to implicate him. He further alleged that the Station House Officer of the police station had demanded a bribe of Rs. 400 which he could not pay and that consequently he had been falsely implicated. The defence version was held utterly unreliable. The learned trial Judge came to the conclusion:

Facts show that the accused had no intention to murder his wife. If he intended to kill, he could have dealt blows by the sharp edge and finished her on the spot. Intention of the accused can be gathered from proved circumstances and not from medical opinion as to the seriousness of the injury. Therefore, the offence does not fall under section 302 of the Indian Penal Code. It falls under section 304 of the Indian Penal Code.

Accordingly, Galiya was sentenced to rigorous imprisonment for 5 years. The High Court did not find any reason to interfere with the findings and sentence of the trial court and dismissed Galiya's appeal.



**\*\*In village Amlal of Dhar district, Habda arranged a dance programme at his house during the marriage ceremony of his daughter. Lahru, aged 25 years, and Mohansingh, aged 22 years (both Bhils), were also present. They were in fact dancing side by side. While the dance was in progress, Mohansingh suddenly pierced Lahru's abdomen with his arrow. Lahru screamed and the dance stopped. Mohansingh then pulled out the arrow and took to his heels. Lahru survived long enough to lodge a report at the police station as also to give his dying declaration. After about 8 days, he died of infection of the wound in the hospital at Dhar. At the trial, Mohansingh pleaded that he did not participate in the dance and that Lahru had fallen down while dancing and received the injury with his own arrow. In his dying declaration, the deceased Lahru stated that his brother had sold land to Mohansingh and had left the village. He inquired from Mohansingh with whose permission he had purchased the land in question. That annoyed Mohansingh and he pushed the arrow-blade into his abdomen. The trial court, in its judgment of 28 August 1964, believed the prosecution story but held that the offence committed was culpable homicide not amounting to murder for which the accused was awarded 5 years' rigorous imprisonment. The trial court concluded:**

**I hold the dying declaration to be genuine. It is corroborated by the evidence. I therefore hold that the death was homicidal and that the injury was caused by the accused Mohansingh. I therefore hold the accused Mohansingh guilty of an offence under section 304(II) of the Indian Penal Code and sentence him to rigorous imprisonment for 5 years, and acquit him of offence under section 302 of the Indian Penal Code.**

**The appeal filed by Mohansingh in the High Court was summarily dismissed in January 1965.**

**\*\*Rayada, a Bhil woman, 20 years of age, was married to Bhurla Bhil, aged 23 years, of village Kuxarda in Dhar district. Thawariya Bhil, aged 26 years, of the same village had an eye on this woman. In 1961, Thawariya's father Zinza abducted Rayada with a view to marrying her to his son. But the police intervened and the girl was restored to her husband. On 3 June 1964,**

Thawariya made another unsuccessful bid to kidnap Rayada when she had gone to fetch water. This happened at the river. Thawariya wanted to take Rayada away as his wife but as other women happened to come to the river, Thawariya took to his heels threatening that he would take away Rayada at any cost. Rayada was unwilling to go with him as she already had 2 children by Bhurla. 4 days later, on the night of 7 June 1964, Thawariya entered the house of his rival Bhurla and shot an arrow at his abdomen. The next day, Bhurla died in the hospital. In the course of the investigation, the weapon of offence was recovered from the possession of Thawariya who, during the trial, pleaded false implication due to enmity. The assault was witnessed by Bhurla's parents and his wife. His dying declaration was also recorded before he expired. Consequently, relying on the prosecution evidence, the trial court awarded Thawariya a life-term on the charge of the murder of Bhurla. The judgment was delivered on 6 October 1964. The accused preferred an appeal before the High Court but it was dismissed on 23 September 1965.

**\*\*Bhuwan's mother had died.** All his kith and kin had assembled at his house in village Bekalia of Dhar district on 16 June 1964 to take part in the usual ceremonies. The customary feast was arranged for which each batch of relations had contributed some provisions. Half-a-dozen goats and pots of liquor were made available for the feast. The roasted mutton was being distributed to a batch while many more forming the next batch were waiting for their turn. At about 10 P.M., the first batch had finished eating and the next batch was just going to sit down when Bhuwan, one of the sons of the deceased woman, took away the pot containing the roasted meat to his own house with the obvious intention that whatever was left should be consumed by his family. But there were others who had not yet got their share of the meat and they naturally objected. The goats had been contributed not by the sons of the deceased but by the sons-in-law. This is an accepted practice among the Bhils. In the circumstances, Bhuwan's attempt to deprive some of the guests of the meat was doubly objectionable.

Be that as it may, having kept the meat inside his house, Bhuwan came out and entered into an argument with the others.

Bhuwan's son Hiria was also there. Amongst those who were protesting was Bhuwan's brother Nawalsingh. He was probably the most vocal and persistent. During the altercation Hiria, in support of his father, picked up a piece of firewood and hit his uncle Nawalsingh on the head which smashed his skull, and after 3 days, he died in the hospital.

At the trial, it was contended that Bhuwan had abetted Hiria in this murder, but the trial court did not find him guilty. Accordingly, Bhuwan was acquitted while Hiria's defence of mistaken identity due to semi-darkness was brushed aside and he was convicted of murder and sentenced to imprisonment for life. In the appeal before the High Court, it was urged that the assault was sudden and without premeditation, hence the offence made out amounted only to culpable homicide not amounting to murder. The High Court, in their judgment of 6 July 1965, concluded:

All things considered, nothing can be done for the appellant beyond what has already been done by the trial court, namely, of awarding the lesser sentence. The conviction and sentence are upheld and the appeal is dismissed.

**\*\*Bhuchar Bhil** lived in village Cherrad of Dhar district. His son-in-law, Pukhu, was involved in some criminal case for whose appearance in the court Bhuchar stood surety. After some time, Pukhu came on a visit to Bhuchar's house and was murdered during the night. Bhuchar's son Chenia was arrested on the charge of murdering Pukhu. As the matter stood, it must have been clear to all concerned that Chenia was most likely to escape punishment because the witnesses of the crime, if any, were his own family members who were not likely to speak against him. It was against this background that Pukhu's first cousin Jangliya, aged 35 years, and one Baysingh, younger brother of Pukhu, entered the house of Bhuchar on the night of 15 June 1964 and attacked the inmates. Baysingh attacked Bhurla with the sword first, then he said that since his brother had been killed, he would kill all of them. Saying that, he aimed blows at Ratania. Jangliya also dealt blows to one Kela and to a child, Mansingh (aged 3 years) with a sword, on his head. Kela immediately lifted the child Mansingh to his

shoulder. Janglia then shot an arrow at the child. It pierced his back and came out of the abdomen. Bhuchar and others raised a cry for help with the result that the assailants took to their heels. Only Janglia could be apprehended. Baysingh absconded and, therefore, Janglia alone was put up for trial on charges of murder and attempt to murder. A sword, bow and arrows were recovered at the instance of Janglia. He denied this fact and stated that he was on inimical terms with the accused Baysingh and that it was impossible for him to accompany Baysingh on the alleged murderous mission.

The trial court, relying on the evidence produced by the prosecution, held that Baysingh and Janglia had come in the dead of the night armed with deadly weapons, that their intention was common and that both took part in the attack on the members of Bhuchar's family. Since Kela, Bhurla and Ratnia escaped death and Baysingh was absconding, Janglia was tried in the Sessions Court and was held guilty for attempting to kill Bhurla, Kela and Ratnia and actually killing the child, Mansingh. On the first count, he was sentenced to 7 years' imprisonment and on the second count, the sentence of life imprisonment was awarded with the direction of concurrent running of sentences.

The matter went up in appeal before the High Court. The conviction and sentences of imprisonment were upheld and the appeal was dismissed.

**\*\*Khuman, aged 40 years, and Butu aged 30 years, residents of village Hansalwada in Dhar district were 2 Bhil brothers. Zhagoo, aged 25 years, was a resident of the same village. Khuman's grandfather was the real brother of Zhagoo's maternal grandfather. In the year 1961, Khuman forcibly kept Zhagoo's wife as his mistress. This created bad blood between the two. On 21 August 1964, Zhagoo was returning from the neighbouring village Kankadkuwa along with his cousin Harsingh and brother-in-law Methaliya. The time was about 5 P.M. When they came near the 'jowar' field of Khuman, they were ambushed by Khuman and Butu who were armed with bows and arrows. Khuman shouted that he would finish off his enemy then and there and shot an arrow at Zhagoo. The arrow was aimed at the chest of the victim but it missed the mark.**

Immediately thereafter, at the instigation of Butu, Khuman shot another arrow which pierced the leg of Zhagoo, who fell down. Both the assailants ran away from the field. Since a major vein had been cut, it resulted in excessive bleeding and Zhagoo died. At the trial, both the accused pleaded not guilty; Butu pleaded that he was not present at the scene of the occurrence at all. Khuman denied every bit of the prosecution case, including the allegation that he had kept Zhagoo's wife with him.

The trial court, in the judgment of 23 November 1964, held that the story of Khuman's assault with an arrow on Zhagoo was proved, but it was doubtful if Khuman had shot the first arrow which was stated to have missed the chest of the deceased. The judgment says:

If Khuman intended to kill, he would not have struck the arrow on the lower part of the body. It was contended that Butu had common intention with Khuman to kill Zhagoo. Butu lives separately. He had no enmity with Zhagoo. Therefore there could be no reason for him to join hands with Khuman. According to the evidence, Butu had also a bow and arrow with him. I do not find any reason why he did not discharge the arrow at Zhagoo. If he intended to kill Zhagoo there was nothing which could prevent him from fulfilling his intention. That clearly shows that he did not share the common intention with Khuman. Mere presence on the site of occurrence even with a bow and arrow with him will not make a man participator in a joint crime.

The accused Butu was, therefore, given the benefit of doubt and was not found guilty of any crime. Khuman was held guilty of culpable homicide not amounting to murder for which a 5 years' term of imprisonment was deemed adequate. The appeal preferred before the High Court was dismissed.

\*\*In or about the year 1961, Kishan, Gamarsingh, Bathu, Galiya, Vesta, Gubla, Letu and Budhu, Bhils of Karanpura village of district Dhar stole the goats of Nabu. Bhuwansingh and Thawaria of village Tanda of district Dhar, recovered the stolen goats from them. Village Tanda is situated at a distance of about 3 miles from village Karanpura. Since then, Kishan

and his associates bore animosity against Bhuwansingh and Thawaria. On 5 November 1964, Diwali was to be celebrated. It also happened to be the weekly market day of Tanda. At about 2 P.M. of the same day, Kishan and his 7 companions went to the house of Bhuwan and inquired about him from his wife. Then they went to the market for purchases. They were returning at about 5 P.M., when they saw Bhuwansingh coming from his house and going to the market. Kishan shouted that the enemy had come and dealt a 'lohangi' blow on the head of Bhuwansingh, who fell down on the ground. Kishan repeated the blow. His companions joined him in the assault. Thawaria was sitting with Indersingh at his house and, therefore, rushed to the rescue of Bhuwansingh but was himself assaulted by the accused Gamarsingh. Afterwards, the assailants ran away to their village. 3 days thereafter, Bhuwansingh died in the hospital without regaining consciousness. Kishan and his companions were sent up for trial on charges of rioting and murder.

The defence consisted of an outright denial of all the prosecution allegations, including the theft of goats from Nabu's possession. The trial court found Kishan liable for the murder of Bhuwansingh and sentenced him to imprisonment for life. Another accused, Bathu, was held guilty of causing grievous hurt to Thawaria. But considering his youth, he was released after due admonition. The rest of the charges were held as not proved.

Kishan went up in appeal before the High Court but the same was found to be devoid of any substance and was dismissed.

\*\*In the vicinity of village Dahod in Dhar District, there flows a river which is used by the villagers for bathing and washing clothes. On the evening of 11 November 1964, Narayan, an old man of 70, was washing his clothes in that river. Gangabai and her niece Kamli were also busy washing clothes with 'mongris'. All of a sudden, Kalya came there and started pulling Gangabai by her hand. It appeared that he intended to outrage her modesty. Gangabai resisted. Kalya snatched her 'mongri' and started beating her. Kamli tried to intervene but was scared away with one 'mongri' blow by the accused. Quite understandably, the old man could not bear this outrageous behaviour on the part of Kalya and strongly protested against

the beating of an innocent woman. Upon this, Kalya belaboured him with a 'mongri'. That indiscriminate beating resulted *inter alia* in 3 serious fractures of the skull. The skull was virtually smashed and Narayan died on the spot. After assaulting Narayan, the accused Kalya absconded from the village and could be apprehended only on 9 April 1965, in Khargone district.

At the trial, the accused pleaded not guilty. The most important witness of the case, Smt. Gangabai, for some obscure reasons, refused to co-operate with the prosecution and her evidence could not be recorded. However, the trial court accepted the testimony of the 9 year old child witness, Kamli. Her evidence was found to be corroborated by the testimony of 2 other eye-witnesses, who were present near the scene of the occurrence. In result, Kalya was convicted of murder and sentenced to imprisonment for life. The judgment was delivered on 28 June 1965. The Additional Sessions Judge observed:

From the discussion of evidence, it has been proved beyond reasonable doubt that it was accused Kalya who inflicted injuries on the deceased Narayan. As for the sentence, there are certain circumstances which do not call for the extreme penalty prescribed by law. Looking to certain facts and circumstances, I feel that the interests of justice would be met if the accused Kalya is sentenced to imprisonment for life.

The accused went up in appeal before the High Court. In their judgment delivered on 23 August 1966, the High Court confirmed the findings of the court of the Additional Sessions Judge. Their finding runs as follows:

The head injury was a very severe one and though it might have been a single blow, it was so powerful and the weapon so heavy, that it was a straight case under section 302 IPC. Possibly, there was no intention to cause death; but the appellant had every reason to know the possible consequences. All that could be done for him was to spare the extreme penalty, which had already been done by the trial court. Nothing more can be done in this appeal.

\*\*On the death of Ramsingh Bhil, his cognates and agnates assembled at the Nukta (after death) ceremony in the village Girwania of Dhar district. Goats were slaughtered for dinner. Thawaria and Welja, sons of Apsingh and nephews of the deceased, quarrelled amongst themselves over the right to serve the meals. Lasia, aged 25 years, son of Ramsingh's daughter, scolded them and asked them to quit if they were unable to keep quiet. Some altercation took place between Lasia on the one hand and Apsingh, aged 70 years, and his son Bansia, aged 25 years, on the other. Thereafter, Welja, his brother Bansia and Lasia went to their respective houses. After about an hour, at 5 P.M., Lasia started from his house to join the 'nukta feast'. On his way, he encountered Apsingh who broke his head with a lathi blow. In the meantime, Bansia emerged from his nearby hut and shot 2 arrows in succession, of which one struck Lasia a little below the axilla. That killed him on the spot, and then both Apsingh and Bansia ran away. Bansia was charge-sheeted for murder, whereas his father Apsingh was indicted for causing grievous hurt to Lasia. Both the accused denied the charges. Bansia stated that he had not been present at the alleged spot. Apsingh stated that Lasia fell down on a stone in a state of intoxication and was injured. The defence version did not convince the Judge, who held the prosecution case as being fully proved.

The trial court observed that it was a mere coincidence that Lasia came from his home and the accused Apsingh came from the other side. The accused Apsingh was an old man of 70 years. The deceased Lasia was his brother's daughter's son. There was no enmity between them. Suddenly something occurred which made him attack. Apsingh was, therefore, held guilty under section 325 IPC. But taking into consideration his age, he was released on probation. The court further held that there was no motive for the murder of Lasia by the accused Bansia. After all, they were nephew and maternal uncle. It appears that they were all drunk. It is proved that the accused discharged an arrow and caused an injury sufficient in the ordinary course of nature to cause death. It, therefore, must be presumed that the intention of the accused was to cause the very injury which has resulted in his death. He was, therefore,



held guilty of the charge of murder and was sentenced to imprisonment for life.

The accused Bansia filed an appeal to the High Court. It was rejected on 2 March 1966.

**\*\*Hamir Bhil** and his son **Ramsingh**, aged 30 years, had their cottage in their field, which was rather secluded, being a bit removed from village Abadi of Panvani in Jhabua district. The house was burgled twice, therefore Hamir dismantled it and constructed a new house in the field of **Bhangdia**, aged 26 years, who was his cousin's son. He did obtain Bhangdia's permission for this construction and as per the agreement, paid annual rent. His house was in close proximity to Bhangdia's house. He continued living there for 3 years. On account of the trespass of the fowls and cattle of the parties, there used to be frequent quarrels between them. Bhangdia, therefore, repeatedly asked Hamir and Ramsingh to vacate the site, but they expressed their inability on account of non-availability of any other convenient house-site. This strained their relations considerably.

On the night of 16 February 1965, Ramsingh returned home at supper-time. He asked his wife **Selki** to prepare hot chapatis for him and he himself went out towards the toddy tree for a drink. Selki and his mother **Rangli** tried to dissuade him from going out on the ground that it was not safe. But he did not pay any heed. It appears that Rangli had some premonition of danger to Ramsingh. Therefore, she followed Ramsingh shouting to him all the time to stay inside. At this very moment, Bhangdia appeared and dealt a heavy blow on the head of Ramsingh with his lathi. Ramsingh fell down on the ground. Bhangdia gave him another blow with the lathi and ran away from the spot. Ramsingh died early next morning without regaining consciousness. The prosecution alleged that at the time of the assault, **Bhimsingh** had accompanied Bhangdia. Therefore, Bhangdia was sent up for trial on charge of murder whereas Bhimsingh was charged for having abetted this crime. The trial court acquitted Bhimsingh against whom there was no incriminating evidence whatsoever. Bhangdia was found guilty of murdering Ramsingh for which he was sentenced to imprisonment for life. The judgment was delivered on 24 June 1965.

The accused Bhangdia went up in appeal before the High Court. He put forth the plea that a false case had been set up against him. He also denied that there were any strained relations between him and the deceased. The High Court pronounced their judgment on 22 September 1966 in which they held the accused guilty of causing the murder of Ramsingh and maintained the conviction and the sentence ordered by the trial court. The appeal was accordingly dismissed.

\*\*Mangu, aged 18 years, and a resident of village Akhanda, in Dhar district had tried to molest Rupsingh's daughter, Bali, of the same village. Mangu and his father Kekadia, aged 60 years, were prosecuted for this offence. Kekadia and his sons Gallu, Turia and Mangu pressurised Rupsingh to compound the offence but Rupsingh did not yield, which cost him his life. On the night of 19 August 1965, Kekadia and his three sons broke into the compound of Rupsingh where he was sleeping along with his son Ramsingh and servant Walsingh. Gallu, Turia and Mangu, who were armed with 'phalias', chopped off the hands of Rupsingh, while Kekadia stood guard with an arrow cocked ready to shoot at anyone who might intervene. The screams raised by the victim Rupsingh awoke the sleeping family members with the result that all the accused persons immediately took to their heels. The miscreants successfully escaped to their adjacent house after the felony. As the condition of the injured Rupsingh was not satisfactory, his dying declaration was recorded. Because of his serious condition, he was then sent to the district hospital at Dhar, where he succumbed to his injuries.

The Sessions Court, in the judgment of 20 November 1965, held as under:

An overall consideration of the prosecution evidence leaves no doubt, whatsoever, that all the four accused acted in furtherance of the common intention of all four of them and they are all responsible for the injuries inflicted on the deceased. Hence in my opinion, all the present accused are responsible for causing the death of Rupsingh.

The trial court convicted each one of them on the charge of murder and sentenced them to imprisonment for life.

Their appeal to the High Court was also dismissed on 11 December 1967.

**\*\*Gamariya Bhil, aged 26 years, and his 2 brothers Chaniya, aged 24 years, and Bahadur cultivated their lands separately in village Gadat of Jhabua district. Bahadur, having committed some offence, was undergoing imprisonment in the Central Jail at Indore. His lands were cultivated partly by Chaniya and partly by Gamariya. Somehow, a dispute arose between these 2 brothers over the lands of Bahadur which cost Chaniya his life. On 4 September 1965, Chaniya was standing in his verandah in the evening. Gamariya shot an arrow at him from behind a hedge in front of Chaniya's house. The arrow hit Chaniya's chest and resulted in his instant death. Chaniya had himself taken out the arrow from his chest but immediately thereafter, he breathed his last. The arrow had punctured both his heart and lung. Chaniya's wife, Kali, was sitting in the verandah and she saw Gamariya shooting the arrow. She therefore raised an alarm, which attracted her mother-in-law, Dhundhari. Kali narrated the incident to her. The news of Chaniya's murder spread in the village like wild fire. The first information report at the Alirajpur police station was lodged by Dhundhari, wherein Gamariya was named as the assailant.**

At the trial, Dhundhari was declared hostile, but the trial court relied on the sole testimony of Chaniya's wife, Kali, and held Gamariya guilty of murder and sentenced him to imprisonment for life. The accused had put forth an alibi and submitted that there was no quarrel at all between him and his brother Chaniya. He contended that he was in village Chinchalguda when the alleged incident took place. This plea was held untenable by the trial court. In regard to the fact that Dhundhari, mother of Gamariya, Bahadur and Chaniya turned hostile, the trial court made the following observations:

I think she (Dhundhari) has changed her statement due to the fact that if the accused Gamariya is imprisoned, there would be nobody to look after the lands because Domsingh was a minor, Bahadur is in jail and Chaniya had died.

The trial court did not award the sentence of death because

'the accused belongs to a scheduled tribe whose intellect is not developed'. The judgment was delivered on 3 January 1966.

The accused preferred an appeal before the High Court who, in their appellate judgment of 20 December 1967, gave the benefit of doubt to the accused and acquitted him. The court observed that it would be: 'improper to sustain the conviction of the accused on the evidence of Kali in the absence of any independent corroboration'.

**\*\*Kisan Bhil**, aged 29 years, lived with his father Hagaria in village Dedali of Dhar district. Kisan's younger brother Jhendu, aged 22 years, was married to Kalu's daughter Nura. Jhendu lived with his father-in-law in village Virpur. On 9 September 1965, Jhendu came along with his wife Nura to participate in a feast known as 'navai' at his father's place. Almost all the participants of the feast drank liquor and became intoxicated. A quarrel ensued between Kisan and Jhendu on the question of the possession of a piece of land. In the course thereof, Kisan struck Jhendu a blow with a piece of firewood on the head and he fell down and died on the spot. Kisan invented a story of accidental death. But the same was rejected as being totally false. The prosecution case was held proved and the fact of Jhendu's death as a result of a blow given by Kisan was not doubted. But it was held that the offence made out did not amount to murder. Consequently, a sentence of 3 years' rigorous imprisonment for causing grievous hurt was awarded.

In the judgment delivered on 8 January 1966, the trial court held:

It is obvious that the accused had no intention of causing the death of Jhendu. In fact, relations between the two brothers were cordial. The unfortunate incident developed out of the unexpected demand made, probably under the influence of liquor, by the deceased for a share of land. Their father was alive and no partition had yet taken place. Hence, the accused could not accede to the request of the deceased. This led to the exchange of hot words between the two. I do not think the accused could have intended to cause with such an instrument (a small piece of firewood about  $1\frac{1}{4}$  cubits long

and varying in diameter from  $1\frac{1}{2}$  to  $2\frac{1}{2}$  inches) an injury as he knew likely to cause the death of Jbendu.

The accused went up in appeal before the High Court even against the conviction under section 325 Indian Penal Code. The judgment was delivered on 24 February 1966 in which the appeal was dismissed. The High Court commented that the appellant: 'seems to have been lucky to escape the major charge'.

**\*\* Gulab, a young Bhil of 20 years, visited his father-in-law in village Holibaida of district Dhar along with his young and beautiful wife, Pangli. Gulab was a resident of a nearby village Karanpura. On the morning of 28 September 1965, Pangli went out to the forest along with the cattle of her father to graze them. Jassu a small child of about 6 years accompanied her. Hussan, another young Bhil of about 20 years and resident of village Holibaida had also gone to the jungle to graze his cattle, because his mother was ill on that day. His cousin sister Kamli, of about 9 years, was also with him.**

Pangli and Hussan were well-known to each other because they had grown up in the same village. When they met in the jungle, they started chit-chatting with each other, and after a while Hussan started playing on his flute, which he was carrying with him. The melodious notes of flute were irresistible to the young Pangli and she started singing and dancing. While Hussan was playing his flute and Pangli was singing and dancing, Gulab, armed with a bow and arrows arrived there. What he saw was unbearable to him and he at once expressed his resentment by shooting an arrow at Hussan, which hit him in his thigh. Hussan ran for his life from the spot. Then Gulab shot another arrow at Pangli injuring her in her forearm. He then battered her head with stones Hussan could hear the screams of Pangli. When he reached his house with an injury and without his safa (turban), his mother came to know of the incident from him. After killing his wife Pangli, Gulab walked away to his own house in village Karanpura.

Gulab was charged with the murder of his wife and also for causing hurt to Hussan with a dangerous weapon. At the trial,

Gulab pleaded that he was attracted by the shouts of his wife in the jungle. When he went there, he found Hussan raping her. Hussan shot an arrow at him and since he was not armed, he ran for his life to his own village. The trial court rejected the defence version and held:

The mere denial of the accused seems to be an utter lie. At any rate whether the accused saw Pangli just sitting and dancing before Hussan or saw her in a compromising position with him, it is all the same true that the accused received a grave provocation for inflicting punishment on them. Admittedly the accused did not return to the house of his father-in-law but went back to his own village. This was not in the least in keeping with the conduct of a valiant husband who had saved his wife from the clutches of a vagabond. In fact he would have attended on his wife and escorted her back to her home. Even if he had been assaulted by Hussan or was afraid of him he would at least have attended upon his wife after the departure of Hussan. The conduct of the accused, to say the least, was not that of an innocent man.

All these considerations lead to 'the only possible conclusion in the case, that it was the accused who caused the death of Pangli'. The court further observed that:

The accused had been subjected to a grave provocation by Pangli and Hussan. The provocation must also have been sudden because there is no evidence that the accused anticipated this. Indian society is very touchy about taking liberties with one's wife. The tribals—the accused is one—are definitely very touchy about these matters. It is, therefore, no surprise if the accused lost his self control and caused the death of Pangli. The offence of the accused amounts only to culpable homicide as defined in section 299 of the Indian Penal Code.

As such, Gulab was held guilty not of murder but of culpable homicide not amounting to murder and was sentenced to rigorous

imprisonment for 4 years. For the injuries inflicted on Hussan, Gulab was convicted under section 324 of the Indian Penal Code and was awarded 1 month's rigorous imprisonment. The High Court in appeal did not interfere with his conviction and sentence for injuring Hussan, but his conviction for culpable homicide not amounting to murder and sentence therefor was set aside and, instead, he was sentenced for causing grievous injuries under section 335 IPC and was sentenced to rigorous imprisonment for 1 year.

**\*\* Bandya**, a 19 year-old Bhil of village Karanpura in Kukshi tahsil of Dhar district, was the son of Ansingh. He was a motherless child and Ansingh married a second time. Unable to stand the treatment of his stepmother, Bandya deserted his father and started living with his uncle Hattya. On 17 October 1965, Bandya, along with Galya and Kaban, had been to the weekly market of Tanda. When the shopping was over, all 3 consumed liquor and then started for their village. Kaban enquired from Bandya as to why he was not living with his father. Bandya in reply hurled some filthy abuses and expressed his surprise over the question when everybody knew that there was a stepmother in his father's house. After an exchange of abuse between the two, Bandya picked up a big stone and hurled it at Kaban's head. The latter fell under the impact. Bandya ran away and Kaban was escorted home. The inmates of the house did not attach much importance to the injury as Kaban seemed quite well the next morning. But after a couple of days, his condition took a turn for the worse. The head injury had a fracture beneath and his brain had also been injured. The matter was reported to the police and Kaban was hospitalised. But he died the same night in the indoor ward of the civil hospital at Bagh. Bandya was arrested on a charge of murder. At the trial, he pleaded innocence. The trial Judge relied on the prosecution evidence but concluded that the assailant did not have the intention to kill the deceased. He was therefore held guilty of culpable homicide not amounting to murder and sentenced to rigorous imprisonment for 5 years. The judgment was delivered on 28 December 1965.

The gravity of the offence was further toned down by the High Court, who in appeal held that the offence, having been

committed as a result of grave and sudden provocation, was punishable not under section 304 Part I but under section 335 IPC. In result, the sentence of 5 years was reduced to 9 months only. The High Court recorded this finding:

However, it is clear that from the evidence of eye-witness Galya that it was Kaban, who first scolded the appellant regarding his residence with somebody and not with his father; then he abused him; then he dealt two blows with the back of the bow to the appellant. In these circumstances, the appellant took up a stone and hurled it at him resulting in the said injury and finally in death. In these circumstances, it must be held that the appellant did this act under grave and sudden provocation. Accordingly, he would be guilty under section 335 IPC. Having regard to the facts and circumstances of the case and the age of the appellant, I am of the opinion that the ends of justice would be served if he is sentenced to suffer rigorous imprisonment for a period of nine months.

This judgment was delivered on 11 July 1966.

\*\*Radu Bhil, aged 30 years, was returning to his village Badvi of district Dhar on 26 October 1965. Nansingh, aged 23 years, Bhuchar aged 21 years, and Indersingh, aged 25 years, crossed his path near the house of Bharta. Without any apparent reason, Nansingh and his companions, who were all armed with bows and arrows, attacked Radu. Bharta tried to intervene. But Indersingh foiled his attempt at the point of a cocked arrow. In the meantime, Nansingh and Bhuchar chased Radu and injured him with their arrows. 2 days later, Radu died in a hospital. The assailants successfully evaded the police for about a month but were ultimately apprehended. They denied the charge. Nansingh and Bhuchar put forth the plea of alibi, while the accused Indersingh suggested that he was only a witness to the shooting and that, because of enmity, he had been falsely implicated.

The trial court in the judgment of 28 March 1966 held:

In furtherance of the common intention of all three accused,



Nansingh shot an arrow twice at Radu and thereby caused his death. The defence evidence does not in any way help the accused. The other two accused were also actuated by the same common intention. This may be inferred from the *circumstance that accused Indersingh restrained Bharta from coming to the rescue of Radu, while Bhuchar made an unsuccessful attempt to shoot Radu.*

In consequence, all the 3 accused persons were convicted of the charge of murder and sentenced to rigorous imprisonment for life. The reason for awarding the lesser penalty was that:

The accused belong to a class well known for its rash and impetuous behaviour. The offence does not appear to be premeditated. For some unknown reason, the accused decided to punish Radu, the moment they confronted him and hence the incident.

Their appeal to the High Court also failed and the High Court, in their judgment of 27 February 1968 held:

All these circumstances would leave no manner of doubt that the three accused shared a common intention and in furtherance thereof, did assault Radu with arrows. Injuries caused to Radu, as already pointed out, were sufficient in the ordinary course of nature to cause death and hence all of them would be guilty under section 302/34 IPC. The second Additional Sessions Judge has rightly convicted them accordingly. Result therefore is that we do not see any substance in this appeal and dismiss the same.

\*\* The wife of Passia's brother, Thavri, had been abducted by Sakaria Bhil. After some time, due to the intervention of the community Panchayat, she was restored to her husband. But that made no difference to the embittered relationship between Passia and Sakaria. Passia was perhaps impatient for an opportunity to avenge himself upon Sakaria. On 11 February 1961, Sakaria and his son Pidia went to Pema's house for a drink. Pema was Passia's brother-in-law. Pema's son Mangalia was also present in the house. Passia came there and enquired

if Sakaria had brought money for the liquor that he was asking for. Sakaria replied that he had no money. Then there was an exchange of abuse between them. Passia went into the house of Pema and returned with a sword in his hand and with a swift blow beheaded Sakaria. Having done that, Passia ran away carrying the sword in his hand. Later on, the sword in question was seized from the precincts of Passia's house by the police. The presence of human blood thereon was confirmed. In these circumstances, the denial of the charge of murder by Passia had no effect. An eye-witness account of a number, of persons, who were present at the scene of this brutal murder, was found overwhelmingly convincing.

Passia put forth the plea of alibi. He contended that he was not present in the village but had gone to work as a labourer on the construction of an air-strip. He denied all the allegations made against him but did not adduce any evidence in his defence. The Sessions Judge, in his judgment delivered on 10 August 1966, came to the conclusion that: 'it was the accused who had murdered Sakaria'. At the time of committing homicide, Passia was less than 25 years of age. The Sessions Judge observed:

In view of his youth, I, however, sentence him to imprisonment for life, instead of the death penalty and a fine of Rs. 50, in default to rigorous imprisonment for a further period of fifteen days.

The High Court pronounced the following judgment on 16 September 1968:

A sword seized from the possession of the appellant from the 'dagla' of his house and the sword ultimately found to be stained with human blood, is a further circumstance which corroborates the testimony of the witnesses and under these circumstances the learned court was right in coming to the conclusion and convicting the appellant. Therefore, we see no reason to interfere with the conviction and sentence awarded to the appellant. The appeal is, therefore, dismissed.

**\*\* Gulab Bhil, 24 years, was a resident of village Lakhankot of Dhar district. He was the eldest son of Tersingh, aged 46 years, whose 2 other sons, Rama and Jamoo, were minors in 1966. Gulab was married in 1960 and had 3 children. On 29 April 1966, Gulab demanded from his father his share of land in the ancestral property. Tersingh declined on the ground that 2 of his sons were still minors and said that there could be no partition till they were grown-up and married. At that time, Tersingh was lying on a cot. Gulab's temper flared up. He dealt one club blow on his father and when the latter got up, Gulab took out his sword and dealt several blows, killing him instantaneously. The assassin made good his escape with the sword stained with blood. At the trial, he pleaded that his father was in fact killed by thieves but as he was disobedient to his mother, she had falsely implicated him. After his father was killed by thieves, he took him in his lap, therefore, his shirt became stained with blood. He thus tried to abjure himself of guilt altogether, but examined no witness in his defence. The prosecution story was found to be reliable by the trial Judge and in the judgment recorded on 8 August 1966, the court held:**

The accused's mother Mst. Sukli consistently gives an extremely vivid account of how the whole thing had taken place in her direct presence. The version of Mst. Sukli is so natural and bereft of the remotest taint of exaggeration that it fully appeals to me. Had the relations of the witnesses been at all strained with the accused, then the latter would not have been allowed to live and cultivate lands jointly with his parents and brothers all these years inspite of the fact that he was married 5 or 6 years ago and had altogether three children, nor his wife Mst. Sundara would have been living under the same roof upto about a fortnight prior to the incident. The accused and Mst. Sukli were not on talking terms for the last three years, is not borne out by facts and circumstances of the case. Even if they were assumed not to have been on talking terms so long, that would be no reason at all for the real mother to falsely implicate her eldest son aged 24 years. Taking a conspectus of the whole thing, I hold the accused guilty of intentionally causing the

death of his father Tersingh and convict him under section 302 of the Indian Penal Code. As regards the sentence, the offence is, no doubt, heinous and brutal. In view, however (i) that it is not even the prosecution case that this was not the youthful accused's (he is about 24) very first unfortunate lapse; (ii) that the accused has his young wife with three children and (iii) that in his impetuosity, the accused, a foolish misguided rustic, acted in his uncharitable anxiety to get a share in the lands then and there, I take a somewhat lenient view and convict him under section 302 IPC to imprisonment for life.

The High Court heard the appeal and maintained the sentence of life imprisonment awarded to Gulab by the trial Judge.

\*\* Kamni, a girl aged 14 years and her brothers Abhesingh and Nanla, all Bhils, lived in village Behadwa of Jhabua district. Bhurla Bhil was their neighbour. Along with Bhurla lived his brother Nurla and their mother Bali. On 22 May 1966, Nanla and Abhesingh had gone to village Bhuria Kuwa in the morning. Kamni, who usually grazed her cattle with Abhesingh, went out that day in the company of Nurla whose age at that time was not more than 13 years. They were grazing their cattle in the field of Jogadiya. The time was about 10 A.M. All of a sudden, Bhurla appeared there armed with a bow and arrows. He threw stones at Nurla, who got scared and ran away. When Kamni was left alone, Bhurla caught hold of her arms and tried to drag her along with him. She, however, resisted and was able to free herself from his clutches. She told the accused that he was her brother and should not, therefore, behave in that manner. She then started running towards her house. Thereupon, Bhurla took out his bow, aimed at Kamni and shot an arrow which hit her on the back near the waist. Kamni somehow managed to reach her house with the arrow sticking in her waist. She fell on a cot and started crying. Bhurla's mother, Bali, extracted the arrow. In the meantime, Nanla returned home. Kamni narrated the incident to Bali, Nanla and Bhuri. On hearing the episode from Nurla, Bhangadia came to see Kamni. The episode was narrated by Kamni to Bhangadia

as well. A report was lodged with the police and a case under section 307 IPC was registered. Kamni's condition was, however, getting worse and, therefore, her dying declaration was recorded. Finally, she died in the hospital at Alirajpur. Thereafter, the crime was converted into one of murder.

Bhurla contended that he had been falsely implicated by Nanla, as once the latter had shot an arrow at him. Beyond saying this, the accused did not adduce any evidence. The Additional Sessions Judge recorded the following finding in his judgment delivered on 5 October 1966:

From the evidence of prosecution witnesses, it becomes clear that the deceased was not the real sister of the accused. It also appears that she was of about 15 years of age. The accused also was of about 30 years of age. So he was also young. It is just possible that on that day a carnal intention towards Kamni might have come in the mind of the accused and in that spur of moment, accused might have caught the arm of Kamni with the intention of fulfilling his desire. I, therefore, hold that the accused caused injury to Kamni with the intention of causing such bodily injury as he knew to be likely to cause death of Kamni and committed the offence of murder punishable under section 302 IPC. Both are adivasis and totally illiterate. Hence considering the facts stated above, I hold that awarding of lesser punishment of life imprisonment would meet the ends of justice.

In their appellate judgment delivered on 3 December 1968, the High Court dismissed the appeal and upheld the course of punishment directed by the Additional Sessions Judge.

\*\* Lalu, aged 20 years, and a resident of Pipariyanpani in district Dhar, suspected Jogdya, aged 22 years, of the same village of being intimate with his wife. On 9 June 1966, he went to Leprya's house, where Jogdya and others were engaged in tile-turning. After making some enquiries, Lalu got over the roof and suddenly gave a blow to Jogdya with his sickle. That cut Jogdya's throat and he fell bleeding on the ground. He died instantly. Thereafter, Lalu ran away from the scene of the crime towards his house. Early next morning, Lalu went to

the house of Balu, the blacksmith of Bagh in whose house a police constable lived as a tenant. He made an extra-judicial confession to him and asked him to call the constable. He was carrying the blood-stained sickle at that time. Police constable Gulabsingh was called; he carried Lalu to the police station and handed him over to the Station Officer, Bagh, along with the blood-stained sickle.

Lalu denied all the allegations of the prosecution during the sessions trial. He contended that he had not committed any offence and that he was innocent and had been falsely implicated due to enmity.

The Sessions Court, in its judgment of August 1966, held Lalu guilty of murdering Jogdya in cold blood and sentenced him to imprisonment for life. The court concluded:

The facts and circumstances of the case leave no doubt whatsoever that the intention of Lalu was to cause death of Jogdya. As such, he is guilty of the offence of culpable homicide amounting to murder, an offence punishable under section 302 of the Indian Penal Code. In the present case, (it has been proved) that in a panchayat convened by accused Lalu regarding theft at his house, Jogdya had taunted the former by saying that Lalu's wife was falsely accusing him of theft because she was in criminal intimacy with him (Jogdya). Irrespective of whether or not Lalu's wife was in criminal intimacy with Jogdya, the very taunt given by the latter was more than what a normal human being can bear. It is highly probable that his wife's infidelity and Jogdya's remarks must have rankled in the heart of the accused Lalu who had every reason for his doing away with a person who had ruined his married life. This appears to be, among others, an extenuating circumstance. There are also other circumstances. Considering every thing, I feel that the extreme penalty is not called for and that a lesser penalty would meet the ends of justice.

The High Court, in their judgment of 13 March 1968, agreed with the conclusions arrived at by the trial court and held:

The direct testimony of Amarsingh and other circumstantial

material as well as the extra judicial confession made by the appellant to Balu, when put together, justify the conclusion reached by the trial judge that it was the appellant who had killed Jogdya on the date and time of the incident. The conviction of the appellant and the sentence imposed upon him are, therefore, proper. The appeal is without force and is hereby dismissed.

**\*\*Kishan**, aged 55 years, was a bachelor and the uncle-in-law of Rataniya, aged 22 years, and belonged to village Kundara of Dhar district. Rataniya was living in the house of Lakshman, Kishan's deceased brother, as 'ghar-jamai'. Rataniya was an idler and disliked work intensely. On 3 September 1966, Kishan returned at about 9 A.M., after having his bath. He found Rataniya sitting idle. Kishan reprimanded him and gave him a few kicks. Rataniya sought shelter in the house of Udaisingh to escape the wrath of Kishan. Instead of calming down, Kishan, picked up a spear and followed Rataniya. When he attempted to assault him with the spear, Rataniya successfully foiled the attempt by catching hold of the spear. This made Kisan still more angry. He picked up a scythe, which was lying nearby, and inflicted as many as 14 injuries on various parts of Rataniya, as a result of which he died. Kishan then himself went to the police station along with his weapons and reported the incident.

At the trial, Kishan pleaded that when he returned after taking his bath, he found Rataniya lying unconscious without injuries on his person. The trial court, in the judgment of 6 October 1966, held:

Lakshman died about 12 months ago leaving behind his only issue Hatri Bai and her husband Rataniya (deceased). The latter was just a 'ghar-jamai'. It appears that he looked upon his status as a 'ghar-jamai' as a boon and bed of roses and therefore, an excellent excuse for taking life easy as a drone and he lived comfortable life of an idler. It appears that it was for this reason that the idea of driving both the erring youngsters out of the house was about then mooted by the highly incensed accused, who was a separated member of the family and had no business to interfere so much with their affairs, much less to react in such a highly refractory manner.

Even if the deceased was an idler and a waster, that was no reason for the accused, a stranger to all intents and purpose, to meddle with him. There were the widow of Lakshman (Mst. Mangti) and the wife (Hatri) of the deceased, who could in their own affectionate way, take care of him and his ways in a bid to mould him if they so liked. In the circumstances, the accused had absolutely no authority to behave in the most haughty manner in relation to the deceased in which he doubtless unfortunately did. Taking a conspectus of the whole thing, I am convinced and I hold, that it was the accused and the accused alone who had intentionally caused the death of Rataniya. The accused is consequently hereby convicted under section 302 of the Indian Penal Code. As, however, the accused is an old man of about 55, who should have known better, and further, as it is not even the prosecution case that this was not the accused's very first unfortunate lapse, I take a somewhat lenient view of the matter and sentence him under section 302 of the Indian Penal Code to only imprisonment for life.

On appeal, the High Court did not find reasons to interfere with the conviction and sentence awarded by the trial court.

\*\*Bhursia, aged 30 years, Chiliya, aged 40 years, and Bhilia, aged 30 years, of village Behadwa in Jhabua district were brothers. Bhilia and Bhursia lived jointly while Chiliya lived in a separate house closeby. On 25 September 1966, a quarrel took place between Bhilia and Bhursia. This was over the boundary of the fields. In the course of this incident, Bhursia received some injuries. Chiliya's son-in-law, Malu, intervened and separated them, although in doing so he himself received some minor injuries. The following day, i.e., on 26 September 1966, in the morning at about 8 A.M., Bhilia came running to take shelter in the house of Chiliya. Bhursia came chasing him armed with a bow and arrows. Just as Bhilia was entering the house of Chiliya, an arrow shot by Bhursia struck him in his neck, killing him instantly. Malu upbraided Bhursia for attacking his own brother but the latter beat him with a stick and escaped to a nearby valley. He was arrested by the police on 27 September 1966.



At the trial, Bhursia pleaded not guilty. His brother Chiliya turned hostile. So the case for the prosecution hinged on the sole testimony of Malu and the alleged extra-judicial confessions made by Bhursia to Patel Bhangda, Khumsingh and Sekada. The trial court relied upon this evidence. Considering it sufficient to bring home the guilt to the accused Bhursia, the trial court convicted him on the charge of murder.

The following observations made in the judgment of the Additional Sessions Judge, Alirajpur, delivered on the 17 April 1967, appear relevant:

The accused pleaded not guilty and submitted that the deceased was his brother and he would not kill his own brother. Malu is inimical to him because he has to pay the hush money to Chiliya for taking away Chiliya's daughter. The accused caused injury by means of a deadly weapon like (an) arrow in day light. In fact, it caused instantaneous death. I, therefore presume, that he (the accused) intended to cause the injury actually caused. He is guilty of murder under section 302 of the Indian Penal Code. The accused is an adivasi, whose intellect is not developed. I, therefore, deem it fit to inflict a lesser penalty. I convict the accused Bhursia under section 302 IPC and sentence him to rigorous imprisonment for life.

The High Court, to whom the accused preferred an appeal, pronounced the following judgment on 3 March 1969:

It seems that there is no reliable and substantial evidence to establish that it was the appellant who had shot the arrow causing the death of his brother Bhiliya. In this state of material, it is difficult to uphold the conviction of the appellant. The appeal is, therefore, allowed, his conviction is set aside and he is acquitted. He shall be set at liberty.

\*\*Radtia, a young tribal of 25 years, harboured a grudge against Amarsingh, aged 50 years, because the latter had somehow come in possession of certain 'mahua' trees which were formerly owned by Radtia's father. On 21 March 1967, Amarsingh, along with his wife Sitabai and son Juwansingh, was

collecting the 'mahua' flowers. The time was about 9 A.M. Suddenly, Raddiya appeared with bow, at the ready, in his hand and announced his intention to have a fight with Amarsingh at all costs. Amarsingh was not willing to oblige him and implored him for mercy in the name of his young children. His entreaties had no effect on Raddiya, who shot an arrow which pierced the abdomen of Amarsingh. Raddiya's attempt to shoot a second time was foiled by Sitabai. Amarsingh tried to pull out the arrow from his body but the blade remained stuck inside. Amarsingh breathed his last in the hospital the next day.

Raddiya made no attempt to escape, but at the trial he denied the charge and pleaded an alibi. The trial court, finding the evidence of Sitabai and Juwansingh wholly reliable, held Raddiya guilty of murder and sentenced him to imprisonment for life.

This indeed is a case of total lack of chivalry. As stated earlier, the accused came fully prepared to shoot Amarsingh, a much older man. He begged Raddiya not to fight with him and not to release the arrow as he had young children to look after. But the accused paid no heed to his prayer and shot the fatal arrow at Amarsingh. Sitabai and Juwansingh carried Amarsingh home and finally to the district hospital at Dhar. All this time, the arrow blade remained inside the stomach of Amarsingh. Even after he reached Dhar, he first went to the police station and then to the hospital. The agony which Amarsingh underwent can well be imagined.

The High Court, in their judgment of 21 July 1969, dismissed the appeal.

\*\*Manglya Bhil and his wife Japadi were residents of village Fata of district Dhar. Surali, daughter of Japadi's sister, was married to Nankoo. They had 3 issues—Sundari, Kutaria and Bondari. Nankoo, along with his family members, was living with Manglya in Fata. Then, Nankoo's daughter Sundari was married to Malshya, a Bhil aged 25 years, and a resident of village Dholia. The dowry was fixed at Rs. 700 and about 1 quintal of grain payable by Malshya to Nankoo. Malshya paid Rs. 88 in cash and 12 kilos of grain. He promised to pay the balance at a later date. After the marriage, Nankoo and his wife left for village Umada where they started working as agricultural labourers. The newly-weds lived together in village

Dholya for about a week. Thereafter, Nankoo came and took away his daughter. This he did in order to pressurise his son-in-law to pay off the balance of the dowry. Since Sundari was not sent back as promised by Nankoo, Malshya himself went to Umada to fetch her. After staying overnight on 23 July 1967, Malshya induced his father-in-law and Sundari to accompany him to his village, Dholya, where he promised to give the rest of the grain and Rs. 20 out of the balance of the dowry. Accordingly, on 23 July, all 3 of them reached Dholya. Notwithstanding his best efforts, Malshya was not able to pay the grain or cash as promised by him. He begged for 1 more day's time. But Nankoo did not agree and he left the place along with his daughter on 24 July, for village Fata. Malshya sent Guman as his emissary to persuade Nankoo to reconsider his decision. It appears that the good offices of Guman did not prove of any avail and Nankoo left for home along with his daughter. Nankoo's son Kutariya, aged 14 years, and daughter Bondari, were then living with Manglya in village Fata. Kutariya was working as a cowherd. Since Malshya's attempt to retain his wife had proved abortive on account of the adamant attitude of his father-in-law, his tribal mentality drove him to a desperate decision. He decided to kill Kutariya by way of revenge. The same day, i.e., on 25 July, he reached Manglya's house when the sun was about to set. Kutariya had just returned from the jungle. In response to Malshya's call, he came out with his umbrella still in his hand and unmindful of Zapdi's advice not to go out in the dark, accompanied his brother-in-law and never returned thereafter. Malshya took him towards a hillock and hacked him with his 'phalia', causing as many as 22 injuries.

The next day, the dead body was seen by Mohanya, who had gone to his field near the hillock. It was identified by Zapdi. The matter was reported to the police, who arrested Malshya and obtained one shirt stained with blood from his possession. The umbrella held by the deceased at the time he accompanied the accused was also recovered. The blood-stained 'phalia' was recovered at the instance of Malshya. At the trial, Malshya denied his guilt. The evidence adduced by the prosecution, though circumstantial, was found to be overwhelming and

accordingly the accused was held guilty of murder as also of stealing the umbrella.

In the judgment, delivered by the trial court on 5 October 1967, it has been held as under:

It is evident from the record of the case that the accused Malshya and the prosecution witness Nankoo and Sundari are Bhil Mankars belonging to a backward race. Kutaria—a child between 10-14 years of age was the son of Nankoo and the younger brother of Sundari who too is hardly 15 years old. Nankoo had taken away his daughter Sundari to his house because the accused had failed to pay the balance of the dowry amount. The accused had tried to persuade his father-in-law to change his decision and not to take away his daughter from the accused but all the conciliation talks had failed with the result that the accused was left in despair and disappointment. It appears that being overpowered by utter disappointment he had thought of taking revenge of Nankoo's family and in that fit of rage and revenge, he murdered the innocent boy Kutaria. No doubt, the manner in which he had committed the said murder was a brutal one but having regard to the background of the case and the situation of life in which the accused is placed and his immature understanding, to my mind, (the) ends of justice would well nigh be served if he is awarded the lesser penalty of imprisonment for life. For the commission of the offence of theft, he is awarded rigorous imprisonment for three years.

The matter went up before the High Court but they rejected the appeal.

\*\*Savsingh, a middle-aged Bhil of 42 years, of village Matsula in Jhabua district took Javli, who was half his age, as his second wife. He did so after the death of his first wife by whom he had 1 child. Due to this difference in age, Javli was dissatisfied with her marital state. She frequently used to run away to her parents in village Chhayan. This state of affairs made Savsingh unhappy. On the night of 4 September 1967, Savsingh strangled Javli to death in his own house, using a bamboo stick. This stick, measuring about 2 cubits or more with a girth of about 2 inches or

so, was recovered from Savsingh's house with the co-operation of the accused himself.

The defence of the accused was that he had gone out to keep watch over his crops during the night. When he returned home in the morning, he found his wife in a precarious condition. He then went to inform his father-in-law. By the time he was back, Javli was dead.

The circumstantial evidence produced by the prosecution proved beyond reasonable doubt that Javli was killed by none else than the accused. He was accordingly convicted of murder and sentenced to imprisonment for life. The trial court, in the judgment of 29 April 1968, held:

The accused had committed an offence punishable under section 302 of the IPC. Apropos (the) sentence, it has to be observed that a deterrent punishment is called for looking to the nature of (the) offence and the manner in which it was committed for preventing a recurrence of the crime of this pattern. Death sentence should be ordered as a rule in a case under section 302 of the IPC, but the age of the accused and other extenuating circumstances of the case call for clemency, in days when the accent is on the reformative aspect of the theories of punishment. Sentence of imprisonment would be no less terrifying. It would be appropriate for the ends of justice to order a sentence of imprisonment for life. The accused is convicted under section 302 of the IPC and is sentenced to imprisonment for life.

The High Court, in their judgment of 6 August 1970, also held:

Thus, in the state of evidence on record, we have no doubt in our mind that Mst. Javli was done to death by the accused and by no other. Accordingly, we dismiss this appeal.

\*\*Bhuri, a girl aged 14 years, was betrothed to Valia Bhil, aged 15 years, of village Harhhlyadeli in Jhabua district sometime in the year 1960. Punia Bhil, aged 22 years, and a resident of Kagalkho, was having illicit relations with Bhuri and wanted to marry her. According to Bhuri's own statement, Punia had

sexual intercourse with her a number of times. There was a 'garba' dance on the night of 12 November 1967, at the house of Nanla of village Kagalkho. Parthiya, Bhuri, Valia, and many others participated in the dance. In the midst of the dance, Punia and Valia were seen going away together. Actually, Punia invited Valia to accompany him to a liquor shop so that he could buy some liquor. Valia agreed to accompany him little knowing that Punia wanted to kill him. Punia took his rival to a nearby jungle, where he beheaded him with a sword. Then he crushed his body with a heavy piece of stone. After some time, he returned alone to join the dance. He confessed his guilt to his sweet-heart Bhuri, but admonished her to keep her mouth shut. Since Valia could not be traced, his relations in village Harhhlyadeli lodged a report at the police station Kalyanpura on 18 November 1967. Thereupon, police investigation was set into motion. Punia broke down during the course of investigation and it was with his help that the sword was recovered from his house. It was stained with human blood. The piece of stone weighing about 12 kilos was also recovered. On 20 November, the information furnished by Punia led to the discovery of the dead body of Valia and the clothes worn by him at the time, he was killed.

Punia, when examined by the trial court, denied having committed the murder of Valia and urged that he had been falsely implicated on account of past enmity. He did not, however, adduce any evidence in his defence.

After examining the evidence that came to be placed before the court, the Additional Sessions Judge came to this conclusion:

The evidence proves with a degree of definiteness that the accused (Punia) and no one else had killed the deceased (Valia). The injuries, which were caused on a vital part of the body with a sword, clearly indicate that the accused had intended to kill the deceased and had knowledge that the deceased would die. The accused is guilty of an offence punishable under section 302 of the IPC. Apropos (the) sentence, it has to be observed that a deterrent punishment is called for, looking to the nature of the offence and the manner in which it was committed, for preventing a recurrence of crime of this pattern. Death sentence, as a rule,

should be ordered in cases under section 302 IPC but the age of the accused and other extenuating circumstances of the case call for clemency, in days, when the accent is on the reformative aspect of the theories of punishment. A sentence of imprisonment for life would be no less terrifying.

This judgment was delivered on 30 April 1968.

The accused preferred an appeal to the High Court. The appeal was heard and the High Court pronounced their judgment on 10 August 1970. The operative part of the judgment runs as under:

The evidence is by no means ample in quantity but is such as would justify conviction because it makes it certain beyond reasonable doubt that he (Punia) was the person that killed Valia. The trial court has awarded the lesser sentence of imprisonment for life after convicting Punia under section 302 IPC. It is somewhat illogical because that court was itself inclined to accept the eye-witness evidence of Nanla. The murder was, no doubt, brutal. State has filed an application in revision praying that the extreme penalty should be awarded. The murder was, no doubt, very dastardly and Punia seems to have to some extent abused the confidence placed in him by the dead man. On the other hand, it is a conviction based solely on circumstantial evidence and the sessions court itself has not considered it necessary or proper to impose the extreme penalty. It is not necessary for us to re-examine the question of sentence. The present conviction under section 302 IPC and the sentence of imprisonment for life are maintained and the appeal and the revision are dismissed.

\*\*Ragan, aged 25 years, was the son of Baddoo Bhil. They lived in village Karanpura of Dhar district. Baddoo was a witch-doctor, who used to cure patients with his supernatural powers. In the same village lived Hatia, aged 45 years, and Retu, aged 35 years, who were brothers. Galiya, aged 20 years, and Vesta, aged 40 years, were also brothers and were engaged as farm labourers by Hatia and his brother. All these persons

also belonged to the Bhil community. There was an old enmity between Ragan, on the one hand, and Hatia and his brother, on the other, because a few years ago Hatia had appeared as a prosecution witness against Ragan in a murder case. On 3 January 1968, Ragan and Baddoo were returning from village Ghor, where the latter had gone to cure some patient. It appears that Hatia and his associates were waiting for their return. When they passed by the house of Hatia, the latter fired a gunshot at them but missed. Then Hatia asked Retu and Galiya to kill Ragan. He assured them that no harm would come to them. Thereupon, Galiya and Retu shot 1 arrow each at Ragan who was injured on his head and neck. The arrow which hit his head was shot by Retu. Vesta and Galiya pelted stones at the victim, ignoring the entreaties of old Baddoo. After killing Ragan, the assailants pulled out arrows from his dead body and left the scene of the crime. During the court trial, the assailants denied the charge. Galiya and Retu pleaded self-defence and the rest denied their presence at the time of the occurrence.

The trial court delivered the judgment on 28 June 1968, as follows:

In the present case, as already held earlier, all the 4 accused had collected together, before the incident—accused Hatia being armed with a gun and accused Retu and Galiya with bows and arrows. On seeing the deceased and his father Baddoo coming, accused Hatia fired a gun shot on them, but he missed his aim, and on his behest, accused Retu and Galiya shot arrows on the deceased which struck him. After the deceased had fallen, accused Vesta and Galiya had also pelted stones on him and on (the) asking of the latter, accused Retu and Galiya had taken away the arrows which had struck the deceased from his body. These circumstances, therefore, clearly made section 34 IPC applicable to their case, and with the aid of it, they were liable for an offence under section 302 IPC.

Accordingly Hatia, Galiya, Retu and Vesta were convicted under section 302 IPC read with section 34 IPC and sentenced to imprisonment for life.



The High Court, in their judgment delivered on 7 September 1970, held:

In the light of the discussion above, the appeal of the appellants Hatiya and Vesta is allowed and the convictions and sentences passed against them are set aside. They are directed to be set at liberty forthwith, if not needed in any other case. The appeal of the appellants Galiya and Retu is dismissed and the conviction and sentences passed against them are maintained.

**\*\*On 14 March 1968, the 'Holi' fire was lit in village Moria-Ka-Bada in Jhabua district. The entire village was there. After some time, the congregation converted itself into a dance party. Bahadaria, aged 28 years, along with Sekadia, Remalia, Kalia and Khalu, all Bhils, came with a drum and joined the party. In the course of this merry-making, Bahadaria and his associates fell down on Chenia Bhil's wife, Kani. It was obvious that Bahadaria wanted to take liberties with Kani. While dancing, he was also carrying his bow and arrow. For obvious reasons, Chenia could not tolerate such an outrageous behaviour. Kekdia Bhil, aged 50 years, joined him in condemning the misdemeanour. This infuriated Bahadaria, who left the dancing ring, took out his bow and shot an arrow in the chest of Kekdia, killing him instantaneously. Thereafter, Bahadaria and his associates ran away.**

Bahadaria pleaded alibi and stated that he did not go to the spot, nor did he kill Kekdia. He was called upon to enter his defence but he refused to adduce any evidence. Thereupon, the Additional Sessions Judge recorded the following finding in his judgment of 8 January 1969:

The accused deserves to be punished for committing murder of Kekdia. The normal sentence prescribed by law is death. But a lesser punishment, i.e., imprisonment for life is also legal in cases in which the murder is committed in a brutal manner. In the instant case, the accused, no doubt, did commit the murder but not in any brutal manner. He is a young tribal Bhil. Hence he deserves consideration.

in the matter of punishment. To my mind, the lesser punishment prescribed in the law, will meet the ends of justice.

The High Court upheld the finding of the Additional Sessions Judge, dismissed the appeal and maintained the sentence and the conviction passed against the accused Bahadaria.

\*\*In Jhabua district, village Kasarvardi is in close proximity to village Hathanipada. A footpath connects the two. Harsingh and Harchand were residents of village Kasarvardi. Kodar was working at that time with Harsingh. Since he had no house of his own, he was residing with members of his family in a portion of the house owned by Harsingh. Harchand had another house on the road to village Hathanipada. It was let out to Karansingh, who ran a 'kirana' shop therein. 15 March 1968 was the day of 'Holi' celebrations. On that day, at about 8 A.M., Galla, aged 38 years, a non-tribal, left his house in Hathanipada to bring his daughter-in-law, Ratni, from her father's place in village Khadia. When he was passing through Kasarvardi, he came across a crowd of people, including Kodar Bhil, aged 30 years. They were drinking liquor in front of the 'kirana' shop of Karansingh. Kodar got up, caught hold of Galla and demanded money for 'gohari', (subscription for celebration of 'Holi'). Galla refused to oblige. A quarrel ensued but subsided as a result of the timely intervention by Harsingh.

Galla proceeded ahead. Kodar followed him with a stick having iron rings affixed to its striking end. He inflicted blows on the head of Galla which killed him instantly. He then removed from the dead body Rs. 300 in cash and several ornaments and made good his escape. He reached home, showed the articles to Harsingh and confessed his guilt. Similar extra-judicial confessions were also made by Kodar in the presence of Gulab, Arma, Ramtu, Javaria and another Galla. The articles recovered at the instance of Kodar from the place of concealment were found to be stained with human blood. The occurrence of human blood on the lathi confirmed his guilt. In the court, Kodar denied everything but he did not adduce any evidence in his defence. He put forth the plea of alibi saying that on the day of the incident, he was in another village. But the evidence against him was found to be

over-whelming. In result, he was convicted of murder and sentenced to imprisonment for life.

The trial court did not consider it 'a fit case in which the extreme penalty of death should be inflicted on the accused, who is a first offender and had acted possibly in a voluntarily caused state of drunkenness'. This judgment was pronounced on 11 November 1968.

The High Court, in their judgment delivered on 28 September 1970, upheld the finding of the Additional Sessions Judge and maintained the sentence of imprisonment for life. The court concluded:

The recovery of the articles, which were on the body of the deceased, at the instance of the appellant, buried in the ground also goes a long way to corroborate the evidence about extra-judicial confession. A lathi was also recovered at the instance of the appellant. In the light of all these circumstances, the conviction of the appellant cannot be assailed.

**\*\*On 19 April 1968, Nathusingh of village Hardasapur in Jhabua district, had gone to collect 'mahua' in the morning. Dhulsingh, a young Bhil of village Umari, came there in the afternoon at about 3 P.M., along with his unidentified companion. After enquiring from Nathusingh as to why he was stealing 'mahua', Dhulsingh shot an arrow in his abdomen and ran away along with his companion. The arrow hit Nathusingh in the abdomen. Nathusingh himself took out the arrow. Nathusingh returned home and narrated the incident to his family members as also to his neighbours, who had collected there. He was admitted to the civil hospital at Jobat, where his dying declaration was recorded. As he was found sinking, he was removed to the district hospital at Jhabua, where he succumbed to his injuries on 21 April 1968. Dhulsingh denied the charge in the court. He pleaded alibi and stated that he was not known to the deceased and that he had been falsely implicated in the murder case.**

There was no eye-witness to the incident. The case depended on the 2 dying declarations of the deceased; one before the inmates of his family members and neighbours, and the other

recorded by Dr. C.N. Shukla at Jobat. The trial court held the dying declaration sufficient for the conviction of the accused Dhulsingh. Accordingly, Dhulsingh was convicted of murder and sentenced to imprisonment for life by the judgment delivered on 29 October 1968.

The trial court commented:

No doubt, there is no evidence on record about the intention or motive of the accused, but it was the accused and no other person, who darted the arrow with a tremendous force and caused the injury on the vital part of the body, i.e., abdomen, which resulted in the death of Nathusingh. In the instant case, the accused is a young Bhil, who committed the murder without any brutality; hence he deserves consideration in the matter of punishment.

Therefore, the accused was not awarded the death sentence but that of imprisonment for life.

The accused preferred an appeal to the High Court who, in their judgment of 10 August 1970, rejected it and upheld the findings of the trial court.

\*\*On the night of 30 April 1968, the village-folk of Khawadiya Khedi in Dhar district had assembled at the house of one Dhuli Bai, an old woman who had passed away. Her relations were receiving condolences. Dhundriya, aged 50-55 years, and Bathu, aged 25 years, were also there. Bathu left the house a little earlier than Dhundriya. But instead of going home, he went to meet Ratani, who was the wife of Dhundriya and who was sexually intimate with Bathu. After some time, Dhundriya reached home. He found Bathu and his wife lying together in the same bed. Thus discovered, Bathu attempted to fight his way out and, in the struggle that ensued, Dhundriya thrust an arrow blade thrice into the body of Bathu. One of the injuries punctured the lung and just touched the heart. Bathu tottered back to where the villagers had collected for condolences at Dhuliba's place. He just managed to say that he had been stabbed by Dhundriya. He then fell down and died. Dhundriya and one of his near relations, Chamariya, were put up for trial

on the charge of murdering Bathu. Dhundriya pleaded self-defence, whereas Chamariya denied his presence at the scene of the occurrence.

The trial Judge acquitted Chamariya and held that the killing had taken place as a result of grave provocation. In his judgment, delivered on 28 June 1968, the Sessions Judge held Dhundriya liable for culpable homicide not amounting to murder. Accordingly, he was sentenced to rigorous imprisonment for 3 years. The High Court, in their judgment of 18 January 1969, upheld the conviction but reduced the sentence to imprisonment already undergone. In regard to the factor of grave and sudden provocation, the High Court made the following observation:

It is a clear case of surprise. As for the provocation, it does not require much discussion to show that it is one of the gravest kind and if as a result of it, the appellant had picked up such weapon as came in handy then and there and stabbed the lover three times, it cannot be said he had in any manner exceeded the normal human conduct in the circumstances.

\*\*On 6 May 1968, Zetria, aged 32 years, Kisan, aged 28 years, Vesta, aged 35 years and others were present at the marriage ceremony of Fulsingh in village Narzali of Dhar district. Zetria and Kisan were brothers. Vesta was their sister's husband. They were all Bhils. Kishnya Bhil, aged 35 years, came there and asked him for water to drink; the time was about 4 P.M. He made it clear that he would not accept water from anyone except Zetria. But Zetria, being a member of the gram panchayat, considered it below his dignity to offer water to Kishnya. At his instance, Kisan took a 'lota' full of water and gave it to Kishnya, but the latter threw away the 'lota' saying that he would not accept water from him and that Zetria should show that courtesy to him. Incidentally, the 'lota' struck Kisan. Zetria felt annoyed and exhorted those who were present to give a beating to Kishnya. At his call, Vesta pulled out a piece of wood from the ceiling and delivered 3 blows on the head of Kishnya. Kisan was carrying a sword in a sheath. He too delivered a blow with the blunt side of the sword on the head

of Kishnya. As a result of these injuries, Kishnya fell down. When the village chowkidar attempted to catch hold of Vesta, Zetria and Kisan, Vesta hit him on the face with the same piece of wood that he had used against Kishnya. Thereafter, Zetria Kisan, and Vesta made good their escape, throwing behind the piece of wood, the sword and the sheath. On the way to the police station, Kishnya died. Zetria, Kisan and Vesta denied the charge of murder at the trial and said that they were being falsely implicated.

The trial court held that the fatal blow was given by Vesta and, therefore, he was guilty of murdering Kishnya and was sentenced to imprisonment for life. The blow given by Kisan with the blunt side of the sword amounted to an offence of causing injury with a dangerous weapon. Accordingly, he was sentenced to imprisonment for 1 year. Zetria had abetted the offence committed by Kisan and, therefore, he was also awarded 1 year's rigorous imprisonment.

Regarding the cause of the crime, the trial court has observed in the judgment:

Accused Zetria was a member of the gram panchayat of the village and as such he carried comparatively a better status amongst the village people. The deceased's demanding water from him, had, therefore, offended him and he felt the aggravation of the offence on the deceased throwing the 'lota' filled with water, on his brother, accused Kisan, who had offered it to him. It was on that, that he had shouted 'Maro Sale ko'. However, these circumstances could not be taken to be grave and sudden provocation. There was also no previous hostility or enmity between the deceased and the accused and the incident was suddenly sparked off.

On appeal, the High Court, in their judgment of 18 September 1970, held:

Consequently, the appeals are without any substance and are dismissed. The sentences awarded to the appellants are maintained. The convictions of the appellants Vesta and Kisan also maintained. The conviction of the appellant Zetria under section 324 read with section 109 IPC is altered to one

under section 323 read with section 109 IPC, although the sentence awarded to him is maintained.

In regard to the factor of provocation, the High Court commented:

As regards the contention of the learned counsel of the appellants about provocation, there is hardly any circumstance indicating that there was provocation. At the same time, it cannot be said to be grave and sudden. The conduct of the deceased may not be appreciated and it was foolish on his part to insist on getting water from the appellant Zetria alone. But in any event, that cannot give any justification to the appellants to inflict injuries on the person of the deceased.

**\*\*Dongariya, Hagriya, Raisingh and Thumniya, all Bhils of village Roja in Kukshi Tahsil of Dhar district, were angry with Kadiya Bhil, a resident of the same village, because he had deposed against them in the court in connection with a dispute over a piece of land owned by Dhoklya, which Dongariya and his associates wanted to usurp. On 21 July 1968, they assaulted Kadiya with stones, while he was going to the Kukshi bazar. All the 4 beat him, and the victim fell on the ground. Thereafter, all of them left the scene. At that time, Kadiya, was also accompanied by his daughter, Bhurli, and uncle, Ralka, who managed to bring him to the village, wherefrom he was taken to the police station at Kukshi. After lodging the report, he was brought to the hospital, where he succumbed to his injuries.**

Dongaria pleaded that Kadia and his companions had attacked him. It was they, who had hurled stones and shot arrows indiscriminately. He (Dongaria) hurled a stone in self-defence but was not sure if anyone was hit. His associates pleaded alibi. The trial court held Dongaria guilty of having dealt a heavy blow with a stone on the chest of Kadiya but decided that it would not be a case of murder. Consequently, Dongaria was held liable for culpable homicide not amounting to murder and was awarded rigorous imprisonment for 3 years. The other accused persons were found to be innocent and were acquitted.

\*\*Bhurla was 5 years old when his father Valsingh Bhil died. His mother Bano then took Suklia as her husband. The husband and wife were living in village Barud of Dhar district. Bhurla was brought up in the house of Suklia. When he was grown-up and married, he built his own hut near that of Suklia. He had been insisting on a partition of the property held by Suklia. For obvious reasons, Suklia declined to give him anything in partition. On 12 August 1968, Suklia was all alone in his house. Bhurla went to him and demanded his share. Bhurla's mother, Bano, had gone to the field to keep a watch on the crops. It was about noon. The persistent and emphatic refusal on the part of Suklia resulted in Bhurla's giving a 'phalia' blow to his step-father. In the meantime, one of the neighbours, Mohansingh, arrived there and tried to intervene. But, by that time, it was too late. Although Mohansingh snatched the 'phalia' from the hands of Bhurla, in the meantime Suklia had already received injuries, which proved fatal after a few moments. Mohansingh reported the matter to the police. At the time of the incident, Bhurla was 30 years old and the deceased Suklia, 45 years old.

A plea of alibi put forth by Bhurla was completely rejected by the trial Judge in the judgment delivered on 24 October 1970. He relied on Mohansingh and other witnesses examined by the prosecution and held Bhurla guilty of murdering his step-father and sentenced him to imprisonment for life.

An appeal was preferred by the accused to the High Court but without success. The High Court, in their judgment of 24 January 1973, dismissed the appeal.

\*\*Keria, aged 28 years, was the cousin of Latiya, aged 40 years. They were both residents of village Amalzhumal in Dhar district. There was some dispute over the sharing of ancestral property between them. On 7 October 1968, at about 9 P.M., Keria was sitting in his 'angan' (courtyard). Latiya and his 15 year-old son Indariya went there. Some altercation took place. Thereafter, Latiya and Indriya pelted stones at Keria causing a number of injuries including a fractured skull, which resulted in his instantaneous death. The defence consisted of a bald denial of the prosecution's allegation. The accused persons did not adduce any evidence in their defence. The story put forth by the



prosecution was held proved. But in the opinion of the trial court, the offence amounted only to causing grievous injuries for which 18 months' rigorous imprisonment was awarded to Latiya, whereas, his young son was released on probation. The High Court, in their judgment of 17 July, 1969 concluded:

In the result, the appeal is partly allowed. The appellant's conviction under section 325/34 IPC and his sentence of 18 months' rigorous imprisonment are set aside and instead he is convicted under section 323 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for a period of 6 months. He shall now serve the unexpired portion of the sentence.

\*Haru, aged 35 years, and a resident of village Khargone in the district Dhar, along with his married sister, Kalubai, was going to village Longsari, where Kalubai lived. Village Longsari is situated at a distance of nearly 1 mile from the village Khargone. On their way, they had to pass through fields of Chittu, aged 66 years, in village Khargone. While they were thus passing, Chittu and Ratan, aged 36 years, started abusing them and also threatened to kill them. At this, Haru and his sister, Kalubai, got so scared that they changed their programme and at once started running back towards their house. Chittu and his associate pursued them and pelted stones at them. At one point, Haru turned back, probably to find out if he was out of danger only to be hit by a stone hurled by Ratan. The blow proved severe and Haru fell down unconscious. The next day he died. The assailants were well known to Haru and they had enmity towards him and his father on account of some land disputes.

The trial Judge accepted the truth of the prosecution story. He concluded:

There was no other person at the time, when Haru with his sister was crossing the pathway except these two accused. The incident took place at once and also finished in no time. Thus, if just after the incident the accused posed innocence by returning immediately to their place of work and subsequently showing themselves to other witnesses returning home with grass-load on their head, it can by no stretch prove

that the accused were not the perpetrators of this crime. Therefore, the injuries found on the body of Haru were inflicted by the accused.

The accused did not intend to kill Haru. Their intention was to cause him injuries with stones. Therefore, the accused were convicted for causing grievous hurt and sentenced to 2 years' rigorous imprisonment each. The High Court, in their judgment of 6 October 1969, dismissed the appeal.

\*\*Jhinjha Bhil, aged 55 years, and his son Keku, aged 24 years, lived in village Devipura of district Dhar. Jhinjha's son-in-law, Malsingh, aged 27 years, was staying with him in the last week of October 1968. All of them strongly suspected an improper intimacy between Jaharia Bhil, aged 35 years, and Keku's wife, because on one occasion they had been seen together. On 21 October 1969, Bhuwansingh and Kelia had come to Jhinjha's house to participate in the 'Diwali' festival in the afternoon. Jaharia happened to pass in front of the house of Jhinjha. Seeing him coming, Jhinjha shouted to his son and son-in-law that the enemy was passing. Saying that, he himself picked up a gun and tried to fire at Jaharia. But the gun did not work; therefore, Jhinjha ran upto Jaharia and caught hold of him. In the meantime, Keku almost severed the neck of Jaharia with a 'phalia' and his brother-in-law, Malsingh, shot 3 arrows into the legs of the victim. After killing Jaharia, all the 3 assailants ran away, leaving the dead body on the spot. All the weapons of offence were recovered in the course of police investigation from the possession of the assailants. The 'phalia' and the 2 arrows obtained from Keku and Malsingh were found to be stained with human blood. The arrows had been obviously pulled out of Jaharia's body. Jhinjha admitted the seizure of the gun from his possession. He further admitted that he had no licence for it.

All the 3 accused pleaded not guilty and denied every bit of the accusation. Bhuwansingh and Kelia, who were present at the house of Jhinjha at the pertinent time, had tried to intervene but without success. These 2 eye-witnesses gave a graphic description of the brutal murder at the trial. Their testimony was accepted by the trial court. Accordingly, the accused persons

were convicted of the charge of murder and sentenced to imprisonment for life. Jhinjha was, in addition, found guilty of possessing a gun without licence for which a sentence of 1 year's rigorous imprisonment was awarded.

By the time the appeal filed by these accused persons in the High Court was heard, the accused Jhinjha had already undergone the sentence of 1 year's rigorous imprisonment under the Arms Act. The High Court felt that the story of Jhinjha's participation in the crime was doubtful. Accordingly, in their judgment of 2 November 1970, the High Court held:

All things considered, we would give Jhinjha the benefit of doubt in regard to the charge of sharing common intention to murder Jaharia. The conviction and sentence on the two other appellants Keku and Malsingh are maintained and their appeal is dismissed.

**\*\*The villagers of Bakhatgarh and its neighbouring villages in Jhabua district had no fixed date for the celebration of 'Diwali'. It appears that each village celebrates the festival in rotation. On the night of 13 December 1968, it was the turn of Bakhatgarh. In that connection, a grand dance was arranged at the house of Devisingh Patel. Many persons from neighbouring villages were also there. Dashariya and Raila were also amongst those who were dancing. Raila was holding a 'phalia'. Dashariya snatched the 'phalia', and killed him with 2 swift blows on the neck. Thereafter, the accused took to his heels. The motive for this crime was an old enmity between the two. Previously, in a Diwali dance, Raila had misbehaved with Dashariya. This was the main cause of bad blood between the two.**

The accused Dashariya pleaded that he had been falsely implicated due to enmity. He submitted that he was not present in the village on the date of occurrence. The court found the prosecution evidence reliable and, in result, the accused was found guilty of murder and sentenced to imprisonment for life.

The motive of the crime has been commented upon in the judgment of the trial court as follows:

The motive for the commission of murder is said to be

previous enmity between the accused Dashariya and the deceased Raila. Raila was arrested in a theft case and he was convicted with others. The accused (Dashariya) was also arrested but not prosecuted by the police. The deceased used to say that the accused got him involved in the theft case and got him convicted. The second incident is said to be that the deceased gave a lathi blow in the Diwali dance of village Wagdon. The accused went to Varju Patel and complained to him but he was turned out by him and no action was taken against the deceased Raila. By this evidence, this fact, to some extent, is established that the relations of the accused and the deceased were not cordial. I do not agree with the learned counsel of the accused that there was no motive for the accused to commit the murder of Raila. The motive was there and the accused took revenge of the insult of beating him in the dancing at village Wagdon and he dealt 'phalia' blows to the deceased.

In its appellate judgment of 23 July 1971, High Court dismissed the appeal.

\*\*Bhanna Bhil of village Ghatbori in Dhar district had only 1 issue, a daughter, Sekdi by name. Therefore, when he married Sekdi, aged 18 years, to Baskadiya Bhil, aged 20 years, the latter was made to live with him as 'ghar-jamai'. Baskadiya lived as 'ghar-jamai' for about 3 years but he never felt at home with his father-in-law and had kept asking his wife to go away with him. On one occasion, he succeeded in taking her away to his own house. But she was brought back by her parents and after some patching-up, Baskadiya resumed his old status of 'ghar-jamai'. On 24 February 1969, Sekdi's parents had gone to the market, 2 miles away from their house. It appears that something transpired which triggered off the pent-up emotions of Baskadiya and he, therefore, tied a noose round the neck of his wife and killed her. When his father-in-law arrived in the evening, the house was found closed from within. Baskadiya opened it and took to his heels. Sekdi was found dead on a heap of grass with the tightened noose still around her neck.

At the trial, Baskadiya submitted that he had gone out into the jungle and returned shortly before the arrival of his

father-in-law. He pleaded ignorance as to the manner in which his wife had been murdered.

The trial court, in its judgment of 9 May 1969, concluded:

I, therefore, find the accused guilty and convict him under section 302 of the IPC. As for the sentence, I think the accused should not be visited with the extreme penalty because the catastrophe was brought about by the members of the house. The accused was forced to stay as 'ghar-jamai' and never allowed to take away his wife to live independently. Thus, the mind of the accused constantly remained agitated and badly strained. For these reasons, I sentence the accused to undergo imprisonment for life.

The High Court, in their judgment of 15 March 1971, upheld the sentence and observed:

It was the appellant, who had killed the woman by tying her with a rope and by suffocating her by a loop around the neck. As there is no eye-witness, the lesser sentence has been imposed. The conviction and sentence are maintained and the appeal is dismissed.

\*\*On 30 March 1969, Dungariya, Sekadiya, Vestiya and Bhuwan, all Bhils, had gone to drink toddy in the grove of Harsingh Patel, which was in the outskirts of village Chinchlana in the jurisdiction of the police station at Ambua in Jhabua district. Bhuwan sat below the tree, while the remaining 3 climbed up in order to tap toddy. Surla and Dutsingh, also Bhils, came by and asked Bhuwan to give them toddy. On Bhuwan's refusal, both Surla and Dutsingh abused him. Thereafter, both levelled their arrows against him and an arrow got released. The time was about 7 P.M. It pierced the abdomen of Bhuwan and punctured the spleen, as a result of which Bhuwan died the same night at about 10 P.M. The assailants ran away from the scene of the occurrence. On a report being made to the police, they were apprehended in their houses. Both of them abjured their guilt. Surla's contention was that his 'mahua' tree was cut by Harsingh Patel for which he had abused Harsingh, on which the latter had threatened to implicate him

in some crime and had carried into effect his threat by naming him in Bhuwan's murder. Dutsingh stated that he was on inimical terms with Surla and that it was inconceivable for him to have accompanied his enemy on the alleged errand.

The trial court did not believe the defence version and found the eye-witnesses worthy of credence. Accordingly, both the accused were held guilty of murder and sentenced to imprisonment for life.

The trial Judge reached this finding in his judgment delivered on 23 February 1970:

By the above discussion of the evidence on record, the chain of circumstances, as supported by the medical evidence, it is fully proved that the accused persons had a common intention to commit the murder of Bhuwan and in furtherance of their common intention, they or any one of them caused his death by an arrow shot, which resulted in his death. The accused Dutsingh, aged about 40 years, and the accused Surla, aged about 30 years, are held guilty under section 302 read with section 34 of the Indian Penal Code and are sentenced to undergo rigorous imprisonment for life each. The lesser punishment will meet the ends of justice as both the accused are tribal Bhils.

The High Court, in their judgment of 22 January 1972, dismissed the appeals preferred by the accused persons and maintained the conviction and sentence pronounced in the sessions trial.

**\*\*Bhuru Bhil**, aged 40 years and a resident of village Chhatwani in Dhar district, was on inimical terms with Heermal, Tadvī of the same village. On 3 November 1968, in the noon, Bhuru went to Heermal's house completely drunk and started abusing him. It so happened that at that time, Heermal was not present in his house. Amarsingh, Harla and Dalsingh, all Bhils, came out from the neighbouring huts and tried to pacify Bhuru, who in his intoxication, felt so offended at their intervention, that he shot an arrow in the chest of Dalsingh, aged 35 years, from very close range. Dalsingh pulled out the arrow and tried to chase the assailant but fell down and died.

Bhuru denied the charge and tried to set up a story of accidental discharge of arrow in the course of scuffle between him and the deceased. The trial Judge, in his judgment delivered on 26 February 1969, rejected the defence version and held Bhuru guilty of murdering Dalsingh and sentenced him to imprisonment for life. The High Court, in appeal, found no reason to interfere with the findings of the trial Judge. They pronounced their judgment on 6 November, 1970.

In the judgment of the Sessions Court, the following observations have been made:

It is true that the accused and Dalsingh (deceased) had gone to the 'Gatha' (stone image installed in the memory of some family member killed). It also came in the evidence that all those persons, who went to the 'Gatha' consumed liquor. At the time of the said occurrence, Dalsingh and accused both were drunk. It is, therefore, very likely that, under intoxication, the accused went to the house of Heermal and began to call him bad names. It is also likely that Dalsingh showed keen interest in restraining the accused from calling bad names to Heermal Tadvi. Under the circumstances, it was not unnatural that the accused under intoxication took it in his head to shoot an arrow at Dalsingh. Thus, there may not be any motive for the accused to cause the death of Dalsingh, but in view of the reliable evidence of eye-witness, it cannot be denied that Dalsingh was really shot by an arrow by the accused. The criminal liability of the accused cannot be minimized simply because, he had consumed liquor prior to the said occurrence. A person consuming liquor, voluntarily, cannot escape the criminal liability of his acts, which he may commit even during the state of intoxication.

**\*\*The motive of this wanton offence is obscure. On 7 November 1969, Radu, a 25 year old Bhil of village Roza of district Dhar, called out Bondariya Bhil, aged 20 years, from his house on the pretext that they would go to the field together. Radu was holding a bow and arrows. Bondariya came out of his house and proceeded towards Radu's house. Just then, Radu shot an arrow at him in the chest. Then he shot**

another arrow in the presence of Galiya and Punia and that also pierced the chest of the victim. Radu then walked away. The next morning Bondariya breathed his last, when he was being taken to Dhar for treatment. Radu denied the charge of murder at the trial but the trial court, relying on the eye-witness account of Galiya and Punia, convicted Radu for this senseless murder and awarded him life imprisonment. The motive of crime did not come to light even during the course of the trial. The 2 eye-witnesses could only say that on being asked by them, Bondariya only said that Radu had called him to go to the field and when he went towards Radu's house, he shot arrows at him. The trial court observed:

This is the only circumstance under which the occurrence had taken place. There is nothing to show the motive of the accused as to why he had caused injuries to the deceased. The purpose or motive as to why the accused so acted could not be known. However, there is evidence of eye-witness and other evidence in the case and that being so, the motive is not necessary for convicting the accused. It is established and proved beyond the least element of doubt that the accused Radu committed the offence punishable under section 302 of the Indian Penal Code. While awarding the sentence for the offence punishable under section 302 of the Indian Penal Code, the manner in which the crime was committed is to be taken under consideration. I see the mitigating circumstances in the case and find that the murder was not pre-meditated. In view of the circumstances, it is justified to impose the lesser punishment provided in section 302 of the Indian Penal Code. The sentence for imprisonment for life to the accused Radu will be just and proper.

The High Court, in their judgment of 17 January 1972, also concluded:

We are satisfied that the appellant was rightly found guilty under section 302 of the Indian Penal Code. The appeal, therefore, fails and is dismissed.

\*\*Sumar, along with Nabu and Budha, all Bhils, had



attempted to abduct Rupsingh's daughter, Bijali. This created bad blood between them. Rupsingh was on the look-out for a suitable opportunity to avenge his honour. On 21 December 1969, Sumar, Nabu and Budha were returning from the jungle; the time was about 4 P.M. Rupsingh and his relatives, Vestiya, Jassua, Bhurla, Kiriya and Rustania, all Bhils, ambushed them. While Nabu and Budha were able to run away, Sumar was besieged. The assailants indiscriminately assaulted him with arrows, 'phalias', stones and sticks, inflicting multiple injuries which proved instantaneously fatal.

All the assailants were in the age group, 25 to 35 years. Although they confessed their guilt before the police, when examined before the trial Judge, all of them contended that they had been falsely implicated on account of Bijali's attempted abduction. All the accused persons even denied their presence on the spot.

The trial court held the accused persons guilty of the offence of murder under section 302/149 of the Indian Penal Code in the judgment delivered on 27 January 1971. The court observed that what the accused persons: 'actually did was to take terrible retribution and revenge'. In regard to the sentence on conviction, the court gave the following decision :

As regards sentence, the accused persons are adivasis. In 1969 Criminal Law Journal 1517 Orissa 289, it was held that the aboriginals are more or less of animal instinct and that, for no reason, they use their bow and arrows. In my opinion, the imposition of sentence of imprisonment for life would serve the ends of justice.

The accused persons went up in appeal to the High Court. Their judgment was delivered on 19 September 1973. The following conclusion has been recorded:

The appellants belonged to an assembly of persons, who were chasing the deceased and some members of that assembly were admittedly armed with deadly weapons. The appellants were, therefore, members of an unlawful assembly and in any event, the members of that assembly can be presumed to know that the offence of murder was likely to be committed

in prosecution of the common object of that assembly, even assuming that the common object was to chastise the deceased. The appellants have, therefore, been rightly convicted of an offence under section 302 IPC read with section 149 Indian Penal Code.

**\*\*Malu Bhil, aged 30 years, of village Roza of Dhar district, had lent Re. 1 to Keshia Bhila, aged 45 years, for drinking toddy. On 23 December 1969, he demanded the rupee back from Keshia because it happened to be the bazar day of Kukshi. He warned that if the money was not repaid, it would result in a quarrel. It appears that Keshia had no ready money and, therefore, he promised to repay the amount when he reached home. In the evening, after returning from the bazar, Keshia was going to Malsingh. It so happened that Malu crossed his path and once again the question of the payment of the rupee cropped up and there was a heated discussion. As Keshia had failed to keep his word in regard to the return of the loan, Malu smashed his head with a piece of stone. Keshia died in the hospital on the afternoon of 25 December 1969. The incident was witnessed by Chamar. At the cries raised by him, his father Ralka and one Pemli had also come there. They found the accused standing beside Keshia, who had fallen on the ground. It was a case of a single injury caused by a stone and, as such, the intention to kill was not manifest. Consequently, the trial Judge held the accused guilty of culpable homicide not amounting to murder and awarded him rigorous imprisonment for 3 years in his judgment of 9 May 1970. The accused did not prefer any appeal.**

**\*\*Narsiya, aged 25 years and resident of village Bandhaniya in Dhar district, suspected Kekadia, aged 30 years of the same village, of having illicit intimacy with his wife. On 10 February 1970, Narsiya came to the house of Kekadia. He was sitting in front of his house, while his son Tersingh was standing near him. Narsiya shot him in the head with a gun, causing instantaneous death. Having killed his rival, he ran away from the scene of the occurrence along with the gun. Later, at his own instance, the gun used by him was recovered from the place of hiding by the police. Tersingh, the 8 year old son of Kekadia,**

gave a consistent and detailed account of the incident in the court. His testimony inspired confidence. It was also corroborated by Nanki, wife of the deceased and Bhangdi, who had seen the accused running away after the commission of the crime. Narsiya was held guilty of murder and sentenced to imprisonment for life.

The trial court, in its judgment of 23 May 1970, held:

As discussed above, I am fully convinced to come to the conclusion that the accused Narsiya did commit murder of the deceased Kekadia. The offence, punishable under section 302 of the Indian Penal Code, is established and proved against the accused beyond the least element of doubt. In view of the circumstances, it is justifiable to impose the lesser punishment provided in section 302 of the Indian Penal Code. The sentence of imprisonment for life to the accused Narsiya will be just and proper. In the result, therefore, the accused Narsiya is convicted for the offence punishable under section 302 of the Indian Penal Code and he is sentenced to imprisonment for life.

The appeal to the High Court abated due to the death of the appellant accused during its pendency.

**\*\*Bhikiya Bhil**, aged 50 years, and his wife **Methalia** lived along with 2 of their sons, **Butsingh** and **Khutsingh**, in village *Kilajobat of Jhabua district*. Another son of **Bhikiya**, **Chamsingh**, aged 25 years, lived in a separate house in the same village. On the night of 25 February 1970, **Chamsingh** came to his father's house and asked for some food from his mother. He was told that everyone had taken their evening meals and that there was no food left in the house. At that, **Chamsingh** went back to his house. After a short while, he returned and asked his father to lend him the drum, as he wanted to play on it. **Bhikiya** declined, saying that it was no time for playing on the drum. This led to an altercation between them. **Chamsingh** picked up a stick and rushed at his father but was disarmed by his brother-in-law **Ratania**, who happened to be present there along with **Butsingh**, **Khutsingh**, **Radu** and **Methali**. **Chamsingh** picked up another stick lying nearby and dealt 3 forceful blows

on the face and neck of his father, who fell down and succumbed to his injuries the next day.

At the trial, Chamsingh pleaded not guilty but did not adduce any evidence in his defence. As many as 6 persons had witnessed the incident, but all of them turned hostile, perhaps with the intention of getting an acquittal in favour of the accused Chamsingh. Even Bhikiya's wife, who had lodged a report with the police, turned hostile. However, on the basis of the other evidence, the trial court held that the statements of Butsingh, Ramsingh and Methali before the committal court, which were tendered in evidence under section 288 of Cr. P.C. were enough to substantiate the charge against the accused, the tendency, on the part of the witnesses to hide the truth notwithstanding. Resultantly, the accused was found guilty of the charge of patricide and was sentenced to imprisonment for life in the trial court's judgment delivered on 16 April 1971.

The accused went up in appeal to the High Court. The judgment was delivered on 9 April 1974. The last paragraph of the judgment runs as follows:

In view of the version contained in the first information report and the statement of Ramsingh and the medical evidence, we have no hesitation in accepting that the version of Methali and Butsingh alone, leaving out the statements of the other eye-witnesses, is sufficient to justify the appellant's conviction. The nature of the injuries caused, as a result of repeated blows on the head with a heavy stick, clearly go to show that the offence made out is that of murder. The appellant's conviction under section 302 of the Indian Penal Code is, therefore, fully justified. The lesser penalty having been inflicted, no interference even with the sentence is called for.

**\*\*Khumchand Bhil**, aged 22 years, resident of village Jhaparda in Jhabua district, was the nephew of Satiya Bhil, aged 40 years. Both were neighbours. Khumchand contended that he was entitled to have his share in the land and the well owned by Satiya but the latter felt otherwise. On 30 March 1971, Satiya had arranged dinner to feed Bhimsingh, Manga, Galiya and Gajjiya, who were helping him in the construction of his

house. Khumchand had also worked on the bouse during the course of the day. In keeping with the general practice of the community, Satiya invited Khumchand also to join the dinner but the latter declined and insisted that he would first have his share in the land and the well. The dinner was served and once again Satiya requested Khumchand to come and join the guests. The time was about 8 P.M. He refused, this time more bluntly, and harped on his old theme of a share in Satiya's assets. Not resting at that, Khumchand shouted abuses at Satiya and dealt a forceful lathi blow on the head of his uncle, who fell down unconscious. Satiya's skull was fractured and the depression caused by the fracture involved the brain. The result was that he did not regain consciousness and expired the next day in the civil hospital at Thandla.

The report of the incident was made to the police by Satiya's wife, Gali. She too had been injured by Khumchand when she tried to protect her husband. Khumchand was put under arrest. At the trial, Khumchand abjured his guilt. He accepted the fact that he had been invited for the dinner by the deceased but contended that he had declined that invitation saying that he would eat at Satiya's place only after taking his share in the property. Thereafter, it was Satiya who attacked him with a lathi. The blow aimed at his head fell on his shoulder and he took shelter inside his house. Khumchand took the stand that he was being falsely implicated and that the witnesses were hostile to him.

The trial court relied on the evidence adduced by the prosecution and held that it was Khumchand, who had inflicted the fatal injury on the head of Satiya. He was, accordingly, found guilty of murder and sentenced to imprisonment for life. He was also charged for having caused simple injuries to Satiya's wife, Gali. But that part of the prosecution story was held to be doubtful and Khumchand was acquitted of that charge.

The Sessions Judge, Jhabua, observed in his judgment delivered on 9 July 1971:

In the instant case, no doubt, the accused had used a lathi and had given only a single blow of it to the deceased. Though, it is true that normally a lathi is not a lethal

weapon, but when used against a vital part of the body, it could be regarded as such. It cannot be also said that it was either accidental or unintentional, or some other kind of injury had been intended. The accused is, therefore, guilty of murder under section 302 IPC and I hold accordingly.

In their appellate judgment, delivered on 20 July 1974, the High Court held that the 'incident' developed all of a sudden' and that 'there was thus no premeditation'. The High Court set aside conviction under section 302 IPC and instead convicted the accused under section 304 (Part I) IPC and reduced the sentence of rigorous imprisonment to 7 years.

\*\*Vesta Bhil, aged 18 years, abducted a girl named Suma. For some time, they lived together at Mandsaur. It appears that Bhurlia Bhil, aged 35 years, of village Khandla, had some previous connections with this girl. He, therefore, took the help of Harliya and Manglia, went to Mandsaur and took away Suma from Vesta and brought her to village Khandla. It was a big loss for Vesta. He had already paid a sum of Rs. 50 and 1 goat to Nanboo Tadvī for keeping the girl with him. Even then, Suma was living as the wife of Bhurlia. The enmity, created by this incident between Vesta and Bhurlia persisted.

After some time, Vesta returned from Mandsaur and started working in village Para, which was very close to village Khandla. Vesta used to visit Khandla frequently. On 27 July 1971, Vesta was returning from Khandla when he was shadowed by Bhurlia. On the way, Bhurlia shot down Vesta with an arrow and lifted his body to throw it at some secluded place. He was, however, seen by Radoo, Phoolsing and Bathoo while carrying Vesta in an unconscious state. These persons were working in a nearby field. They challenged Bhurlia but the latter did not take notice and threw the body of Vesta into a nearby stream. Not content with that, Bhurlia pelted stones at Vesta and then disappeared. Vesta was seen moving his limbs in an unconscious state on the bed of the stream. Soon thereafter, he breathed his last.

At the trial, Bhurlia denied the charge and stated that the prosecution witnesses were implicating him because of previous enmity. Bhurlia did not adduce any evidence in his defence.

The trial Judge found the prosecution evidence reliable. In result, Bhurlia was convicted on a charge of murder and sentenced to imprisonment for life. The judgment was delivered on 30 November 1972.

The matter came up in appeal before the High Court. On an appraisal of the evidence, the High Court in their judgment, pronounced on 7 September 1976, held that the offence proved against the accused did not amount to murder. Therefore, his conviction was converted to that under section 326 IPC for causing grievous hurt with a dangerous weapon. By the time the appeal was disposed of, the accused had already completed 5 years' imprisonment. Therefore, his sentence was changed into the period of imprisonment already undergone. The High Court recorded this finding:-

In the circumstances, there is no satisfactory evidence as to how exactly the incident took place and as to how injury number 3, which is fatal, had been inflicted. There may be some suspicion that the accused might have dealt it, but however strong the suspicion may be, it cannot take the place of truth. The accused must be given the benefit of doubt and, therefore, on a consideration of the entire evidence, on record, we cannot convict him for the offence of murder. He may be liable only under section 326 IPC for causing grievous hurt to the deceased. We find that the sentence already undergone by him would meet the ends of justice and direct him to be released forthwith, unless he is required in any other case.

**\*\*Motla**, of village Ublad, died during the 'Holi' festival. According to the village custom, the village crowd celebrating the 'Holi' festival, could not go to his house for sprinkling 'gulal', the red powder. However, a few days after the festival, Goba, Pahadsingh, Malsingh, Mohansingh, Kalsingh, Kunwarsingh, Ratnia, Hemta and Nazru visited the house of Motla to sprinkle 'gulal'. They went there singing and dancing. Malsingh was playing on a drum. Kunwarsingh almost forcibly took the drum from him. Nazru and Hemta felt offended at the way the drum had been snatched by Kunwarsingh. They challenged Kunwarsingh before the party dispersed. The same evening

they repeated the challenge and hurled abuses at Kunwarsingh. They also threatened to kidnap Kunwarsingh's sister. At this, Pahadsingh intervened saying that they had no business to abuse the innocent girl. It appears that Malsingh and Nazru were in a belligerent mood. They threatened to kill Pahadsingh.

It was about 10 P.M. in the night. Pahadsingh was sitting and smoking his 'chilam' on his farm. Hemta and Nazru arrived there with a 'dinga' (pointed stick—a weapon of offence) and a few stones. They killed Pahadsingh with the 'dinga' and also caused injuries on Gova, who was nearby. Thereafter, they ran away.

At the trial, Hemta and Nazru abjured the guilt but they did not adduce any evidence in their defence. However, the eye-witness account of Gova was found to be reliable. Among the prosecution witnesses were close relations of Hemta and Nazru. Accordingly, both Hemta and Nazru were held guilty of murder and awarded imprisonment for life. The trial court came to the following conclusion in the judgment delivered on 23 March 1973:

It is well proved that both the accused arrived together at the place of incident and both of them ran away together after inflicting injury on Pahadsingh. It is also proved that both the accused persons were annoyed with Kunwarsingh, nephew of the deceased, as he had snatched the drum from the hands of Malsingh. Deceased Pahadsingh had asked the accused persons not to hurl abuses. Accused persons threatened to kill him. Hence, the offence under section 302 of the Indian Penal Code, read with section 34 of the same code, is fully proved against the accused persons.

The accused persons went up in appeal to the High Court. On a detailed appraisal of the evidence, the testimony of Gova was found inconsistent in many respects. The High Court felt that the charge was not proved to the hilt. In result, the appeal was allowed, convictions and sentences were set aside and the accused were acquitted.

**\*\*Manjia Bhil's niece, Devli, was married to Kanudia's**



cousin, Dhudla. He kept Devli for some days but as she possessed a dark complexion, Dhudla abandoned her. Devli then married Jasla by way of a second husband. Dhudla and Kanudia started pressing for the return of the goat that had been given to Manjia as dowry by Dhudla. Manjia did not fulfil this demand. On the morning of 15 May 1972, Manjia was shot with an arrow by Kanudia near the house of one Kaliya. The arrow pierced Manjia's chest and it proved fatal as he died after about 1 hour. Manjia had seen the assailant before breathing his last. He named Kanudia as his assailant in the presence of Sekdi, Zetra and Ansingh.

The accused, Kanudia, denied his guilt. He put forth the plea that he had been falsely implicated. But the trial court held the dying declaration to be a very important piece of evidence against Kanudia and convicted him to imprisonment for life. The appeal preferred by the accused was summarily rejected by the High Court in their judgment of 19 July 1973.

**\*\***On the night of 14 May 1974, a meeting was held at the residence of Shankar at village Biljhiri in Jhabua district in order to settle the dowry for Shankar's wife. When the meeting was over, the participants joined in a dance. Although there was no clear indication to that effect, yet it is most likely that alcoholic drinks preceded the dance. There is unmistakable evidence that deceased Nayakda, aged 35 years, was drunk at the pertinent time. He caused some injuries to Taniya and Bhalji in a state of drunkenness. Nayakda also contended that Taniya, aged 45 years, and Bhalji, aged 40 years, should not be permitted to carry their arms while dancing. Taniya was armed with a bow and arrows, while Bhalji was carrying a 'phalia'. Enraged by this protest, and also by the injuries caused to them by Nayakda, Taniya shot 2 arrows at Nayakda, while Bhalji gave a 'phalia' blow on his head. The assailants made good their escape. Nayakda was removed in a precarious condition to Sondwa hospital, where he succumbed to his injuries on 16 May 1974.

In the trial that followed, Taniya and Bhalji denied their guilt. The assailants pleaded that they had been falsely implicated on account of enmity. In the alternative, they took the plea of self-defence. The trial court, in its judgment of 5 June

1975, upheld the plea of self-defence of Bhalji but Taniya was held guilty of murdering Nayakda. He was sentenced to imprisonment for life. The High Court, in appeal, disagreed with the conclusions arrived at by the trial court. It was held, in their judgment delivered on 14 January 1977, that the probability of the deceased, who was in a state of intoxication, having committed aggression against Taniya could not be ruled out. Taniya's plea of self-defence was found to be substantive in the same measure as that of his co-accused Bhalji and the finding and sentence against him were set aside and he was acquitted.

**\*\*Kaliya Bhil**, aged 30 years, **Zitra Bhil**, aged 35 years, and many others participated in a folk dance on 23 March 1975 in village Richvi of Jhabua district. The time was about 9 P.M. While the dance was going on, **Amsingh**, another Bhil, asked the drummer **Ravjiya** to stop the beating of the drum and he snatched the drum, which got broken in the process. **Zitra** reprimanded **Amsingh** for breaking the drum. Then **Kalia** intervened saying that **Zitra** had no business to interfere. Thus saying, he walked over to **Chamsingh's** house. **Zitra** followed him there and demanded an explanation for his objectionable conduct. This enraged **Kalia**. He shot an arrow which pierced the stomach of **Zitra**. **Zitra** ran and fell down in front of **Ravjiya's** house. He also took out the arrow from his stomach. While being removed to the police station, he died.

The story of the accused **Kalia** was that he remained in his house and that he did not shoot any arrow at **Zitra**. But this was not believed by the court and it was held that the accused had caused a homicidal injury to **Zitra**. In the result, the accused was convicted under section 302 Indian Penal Code, and was sentenced to rigorous imprisonment for life. The accused went up in appeal to the High Court. In their appellate order, the High Court upheld the decision of the trial court and dismissed the appeal.

**\*\*Bhursingh**, a middle-aged Bhil of Alirajpur in Jhabua district, abused **Somla** on 25 June 1975. When **Somla** protested, **Bhursingh** picked up a spade lying near the house of **Jayantilal** and dealt blows on **Somla**. One of the blows fractured the left

temporal bone and ruptured the underlying membrane of the brain. This caused severe internal haemorrhage and shock resulting in the death of Somla. There were a number of eye-witnesses at the time of the assault. Still Bhursingh claimed that he had been falsely implicated. He, in fact, put up the plea that at the time of the alleged incident, he was locked up in jail.

The trial Judge found the prosecution witnesses reliable and convicted Bhursingh of murder and sentenced him to imprisonment for life. The judgment was delivered on 4 March 1976. The Judge held:

The accused dealt blows successively on Somla by both sharp and blunt side of the 'favda'. There was previous ill-will also, because the accused was convicted for stabbing Somla. Thus, intention to kill can be inferred. The act of the accused is deliberate and does not fall under any of the exceptions. Thus, the accused is convicted for the offence of committing murder punishable under section 302 IPC. As regards the sentence, the lesser penalty, i.e., imprisonment for life will meet the ends of justice.

The High Court in their judgment of 20 April 1976 held that:

The conclusion arrived at by the learned trial court, on consideration and appreciation of evidence, cannot be said to be erroneous or unjust and in our opinion, there are no grounds to entertain this appeal, which is hereby dismissed summarily without notice to the other side.

The accused appellant was informed accordingly.

At the end of this chapter, two statements containing the salient particulars of the court cases are presented.

## SUMMARY OF ONE HUNDRED HOMICIDE CASES

# SUMMARY OF ONE HUNDRED HOMICIDE CASES

<i>Assailants and their age</i>		<i>Victims and their age</i>	<i>Relationship of the assailant with the victim</i>	
1		2		3
Nansingh	30	Bhangda	25	Father-in-law
Dhudla	40			
Mathaliya	25	Ratniya	30	Distant relative
Bhangda	25	Narainsingh (Rajput)	40	No relationship
Gama	35	Tantiya	35	No relationship
Poona	25	Goma	25	Brother-in-law
Dhundhra	35	Magan	25	No relationship
Punia	22	Jogiya	34	Distant relatives
Bhaosingh	26			
Bhangda	25			
Ditiya	45	Dharji	30	Brothers
Narsingh	20			
Nanka	45	Bhursingh	22	No relationship
Narayan	25	Sukli (female)	32	Nephew
Bansingh	20	Nahariya	35	Cousins
Kalu	30			
Kulya	30	Jorsingh	35	Brother-in-law
Rupsingh	30	Kelsingh	30	No relationship
Bhuria	25			
Raisingh	25	Nanla	25	No relationship
Jamsingh	22			
Sultania	30			
Naharsingh	32	Kakdiya	35	Step-brother
Kekdiya	22	Nanki (female)	30	Nephew
Dalsingh	25	Panglia	25	No relationship
Naphda	30	Dhurvi (female)	24	Husband
Thavaria	25	Dhuriya	30	Brother-in-law
Vesta	35	Jamsingh	30	Brother
Balu	25	Nabibai (female)	20	Husband
Ramli (female)	20	Mohansingh	21	Wife
Alsingh	25	Bhilu	30	Cousin
Tersingh	20	Dalsingh	30	Friend
Bhaosingh	50	Dadmi (female)	45	Husband
Surtan	45	Surpal	35	No relationship
Vijaya	30			
Bijaya	34			
Vesta	32			
Nansingh	40	Kandiya	25	No relationship
Raisingh	27			
Radiya	20	Juwansingh	30	No relationship
Vesia	25			
Khumsingh	35	Kaniya	28	Brother-in-law

# SUMMARY OF ONE HUNDRED HOMICIDE CASES

<i>Weapons used for killing</i>	<i>Motive of the crime</i>	<i>Sentence awarded by the court</i>
4	5	6
lathi	Sudden provocation	life imprisonment
		life imprisonment
bow and arrow	property dispute	life imprisonment
bow and arrow	property dispute	life imprisonment
sword	personal enmity	life imprisonment
gun	personal enmity	life imprisonment
gun	sex	acquitted
bow and arrow	personal enmity	R.I. to each for 3 years
blunt side of axe	personal enmity	acquitted
		life imprisonment
gun	other motive	life imprisonment
phalia	property dispute	life imprisonment
bow and arrow	sudden provocation	R.I. for 5 years
		R.I. for 1 month
stick	personal enmity	R.I. for 7 years
axe	other motive	life imprisonment
		R.I. for 6 months
bow and arrow	personal enmity	life imprisonment
		S.I. for 1 month
		R.I. for 3 month
bow and arrow	property dispute	life imprisonment
dantla	sudden provocation	life imprisonment
lathi	personal enmity	R.I. for 5 years
axe	sex	life imprisonment
axe	sudden provocation	R.I. for 7 years
bow and arrow	personal enmity	life imprisonment
gun	sudden provocation	acquitted
Daranta	personal enmity	life imprisonment
lathi	sudden provocation	life imprisonment
gun	sudden provocation	acquitted
log of wood	sudden provocation	R.I. for 18 months
stick and sword	other motive	life imprisonment
		life imprisonment
		life imprisonment
		life imprisonment
phalia, bow and arrow	personal enmity	R.I. for 5 years
stones, bow and arrow	personal enmity	R.I. for 1 year
arrow		R.I. for 6 months
bow and arrow	personal enmity	life imprisonment

# SUMMARY OF ONE HUNDRED HOMICIDE CASES

<i>Assailants and their age</i>		<i>Victims and their age</i>	<i>Relationship of the assailant with the victim</i>	
1		2	3	
Ganna	35	Sigdar	32	Brother-in-law
Lunja	22	Hamir	20	No relationship
Malsingh	40	Bijalee (female)	35	Brother-in-law
Bangda	35	Jansa	40	Neighbour
Sairy (female)	30	Nooribat (female)	30	Co-wife
Amarsingh	18	Ramju	32	Nephew
Dhuriya	35	Dhebra	31	Cousin
Shersingh	22	Raliya	26	Cousin
Lalu	25	Soni (female)	18	Cousin
Gamriya	35	Amariya	32	Uncle
Hirji	38	Bhursingh	35	No relationship
Hattu	36			
Jamsingh	26	Lalsingh	25	Cousin
Limji	45	Khumji	42	Neighbour
Punjam	40			
Amaria	30	Gorkiya	17	No relationship
Phoolsingh	40			
Raksingh	30	Bhangdi (female)	20	Husband
Hiraji	30	Harsingh	25	No relationship
Phoolsingh	35			
Rama	17	Narayan	30	Nephew
Punja	25	Amru	8	No relationship
Gariya	20	Naku (female)	17	Husband
Mohansingh	22	Laharu	25	No relationship
Thawaria	26	Bhuria	23	No relationship
Hirala	22	Navalsingh	45	Nephew
Bhuwan	50			Brother
Baysing	N.A.	Mansingh	3	Distant relatives
Jangliya	35			
Khuman	40	Jhaggu	25	Cousin
Guttu	30			
Kisan	20	Boan	30	No relationship
Gamarsingh	25			
Bathu	15			
Galiya	15			
Vesta	25			
Gubla	30			
Retu	30			
Budu	45			
Kaliya	30	Narayan	70	No relationship
Apsingh	70	Lasia	25	Distant relationship
Bansia	25			

# SUMMARY OF ONE HUNDRED HOMICIDE CASES

<i>Weapons used for killing</i>	<i>Motive of the crime</i>	<i>Sentence awarded by the court</i>
4	5	6
bow and arrow	sudden provocation	R.I. for 5 years
phalia	sudden provocation	life imprisonment
gun	superstition	life imprisonment
stone	sudden provocation	life imprisonment
stone	personal enmity	life imprisonment
bow and arrow	sudden provocation	life imprisonment
bow and arrow	other motives	life imprisonment
bow and arrow	property dispute	life imprisonment
stone	other motive	life imprisonment
stone	sudden provocation	R.I. for 7 years
bow and arrow	personal enmity	life imprisonment
		life imprisonment
bow and arrow	personal enmity	life imprisonment
lathi	sudden provocation	R.I. for 5 years
		acquitted
bow and arrow	other motive	R.I. for 10 years
		acquitted
axe	other motive	life imprisonment
bow and arrow	other motive	R.I. for 3 years
		life imprisonment
dagger	sudden provocation	R.I. for 3 years
gun	personal enmity	life imprisonment
axe	sudden provocation	R.I. for 5 years
bow and arrow	property dispute	R.I. for 5 years
bow and arrow	sex	life imprisonment
firewood	sudden provocation	life imprisonment
		acquitted
sword, bow and arrow	personal enmity	absconding
		life imprisonment
bow and arrow	personal enmity	R.I. for 5 years
		acquitted
lohang, lathi and stones	personal enmity	life imprisonment
		acquitted
		released on probation
		acquitted
		acquitted
		acquitted
		acquitted
		life imprisonment
mongari	other motive	released on probation
lathi, bow and arrow	sudden provocation	life imprisonment



# SUMMARY OF ONE HUNDRED HOMICIDE CASES

<i>Assailants and their age</i>		<i>Victims and their age</i>	<i>Relationship of the assailant with the victim</i>	
1		2	3	
Bangdia	26	Ramsingh	30	Cousin
Galla	25	Rupsingh	50	Neighbours
Ramsingh	16			
Mangu	18			
Gamariya	26	Chaniya	24	Brother
Kisan	29	Jhendu	22	Brother
Gulab	20	Pangli (female)	20	Husband
Bandiya	19	Kaban	35	No relationship
Nansingh	23	Radu	30	No relationship
Bhucher	21			
Indersingh	25			
Parsia	25	Sakariya	45	No relationship
Gulab	24	Tersingh	46	Son
Bhurla	22	Kamni (female)	14	Distant relationship
Lalu	20	Jogadia	22	No relationship
Kisan	55	Ratniya	22	Uncle-in-law
Bhursia	30	Bhilia	20	Brother
Redtiya	25	Amarsingh	50	No relationship
Malehhriya	25	Kutriya	14	Brother-in-law
Sabsingh	42	Jabli (female)	20	Husband
Punia	22	Wafia	15	No relationship
Hatiya	45	Ragan	25	No relationship
Galiya	20			
Retu	35			
Vesta	45			
Bahadaria	28	Kekdia	50	No relationship
Kodar	30	Galla	28	No relationship
Dhulsingh	20	Nathusingh	50	No relationship
Dhundhriya	55	Bathu	55	No relationship
Jhetriya	32	Kisania	35	No relationship
Kisan	28			
Vesia	35			
Domaria	30	Kadia	50	No relationship
Bhurla	30	Suklia	45	Step-son
Latia	40	Keria	28	Uncle
Indaria	15			Cousin
Chhittu	66	Haru	35	No relationship
Ratan	36			
Jhinjha	55	Jaharia	35	No relationship
Keku	24			
Malsingh	27			

# SUMMARY OF ONE HUNDRED HOMICIDE CASES

<i>Weapons used for killing</i>	<i>Motive of the crime</i>	<i>Sentence awarded by the court</i>
4	5	6
lathi	property dispute	life imprisonment
phalia	personal enmity	life imprisonment
		life imprisonment
		life imprisonment
bow and arrow	property dispute	life imprisonment
stick	property dispute	R.I. for 3 years
bow, arrow and stones	sudden provocation	R.I. for 4 years
stone	sudden provocation	R.I. for 5 years
bow and arrow	not known	life imprisonment
		life imprisonment
		life imprisonment
sword	personal enmity	life imprisonment
club and sword	property dispute	life imprisonment
bow and arrow	sex	life imprisonment
daranta	personal enmity	life imprisonment
daranta	sudden provocation	life imprisonment
bow and arrow	property dispute	life imprisonment
bow and arrow	personal enmity	life imprisonment
phalia	personal enmity	life imprisonment
strangulation	personal	life imprisonment
sword and stone	sex	life imprisonment
bow and arrow	personal enmity	life imprisonment
		life imprisonment
		life imprisonment
bow and arrow	sudden provocation	life imprisonment
lohangi	gain of money	life imprisonment
bow and arrow	personal enmity	life imprisonment
bow and arrow	sex	R.I. for 3 years
stick and sword	sudden provocation	R.I. for 1 year
		R.I. for 1 year
		life imprisonment
stone	personal enmity	R.I. for 3 years
phalia	property dispute	life imprisonment
stones	property dispute	R.I. for 18 months
		released on probation
stones	not known	R.I. for 2 years
		R.I. for 2 years
phalia, bow and arrow	sex	life imprisonment
		life imprisonment
		life imprisonment

# SUMMARY OF ONE HUNDRED HOMICIDE CASES

<i>Assailants and their age</i>		<i>Victims and their age</i>	<i>Relationship of the assailant with the victim</i>	
1		2	3	
Desaria	30	Rayala	35	No relationship
Baskadia	20	Sekari (female)	18	Husband .
Surla	30	Bhuwan	40	No relationship
Datsingh	40			
Bhuru	40	Dalsingh	35	No relationship
Radu	25	Bondaria	20	No relationship
Rupsingh	25	Sumar	23	No relationship
Vestia	25			
Jasua	28			
Bhurta	31			
Kuriya	27			
Rustania	35			
Malu	30	Kesia	40	No relationship
Narsia	25	Kekadia	30	No relationship
Chamsingh	25	Bhikia	50	Son
Khurchand	22	Satiya	40	Nephew
Bhurha	35	Vesta	18	No relationship
Nazru	30	Paharsingh	60	No relationship
Hemta	35			
Kanudia	23	Manglia	80	Son-in-law
Tania	45	Naikda	35	No relationship
Bhalji	40			
Kalia	36	Jhitra	35	No relationship
Bhursingh	35	Somla	23	No relationship

# SUMMARY OF ONE HUNDRED HOMICIDE CASES

<i>Weapons used for killing</i>	<i>Motive of the crime</i>	<i>Sentence awarded by the court</i>
4	5	6
phalia	personal enmity	life imprisonment
strangulation	other motive	life imprisonment
bow and arrow	personal enmity	life imprisonment
		life imprisonment
bow and arrow	sudden provocation	life imprisonment
bow and arrow	not known	life imprisonment
bow, arrow and phalia	personal enmity	life imprisonment
		life imprisonment
		life imprisonment
		life imprisonment
		life imprisonment
stone	property dispute	R.I. for 3 years
gun	sex	life imprisonment
stick	sudden provocation	life imprisonment
lathi	property dispute	life imprisonment
bow and arrow	personal enmity	life imprisonment
dinga and stones	sudden provocation	life imprisonment
		life imprisonment
bow and arrow	other motive	life imprisonment
phalia, bow and arrow	sudden provocation	life imprisonment
		acquitted
bow and arrow	sudden provocation	life imprisonment
spade (fawda)	personal enmity	life imprisonment

## STATEMENT SHOWING THE TIME TAKEN IN THE DISPOSAL OF THE HOMICIDE CASES

Sl. No.	Session's trial No.	Date of occurrence of homicide	Date of presentation of case by the police in the committal court	4	5	6	7	8	9
					months—days	Date of judgment of the Sessions Court	Intervening period (6—4)	Date of judgment of the High Court	Intervening period (8—6)
1	2	3	4	5	months—days	6	7	8	9
1	129/61	11. 7.61	1.11.61	3—20	N.A.	15.10.62	—	15.10.62	—
2	106/61	30. 7.61	N.A.	—	23.12.61	13. 8.62	—	13. 8.62	7—20
3	114/61	17-10.61	14.11.61	0—27	28. 1.62	18. 8.62	2—14	18. 8.62	6—20
4	45/62	9.11.61	3. 2.62	2—24	19. 4.62	19. 1.63	2—16	19. 1.63	9—00
5	38/62	6.12.61	29. 1.62	1—23	16. 4.62	13. 2.63	2—17	13. 2.63	9—27
6	46/62	13. 1.62	26. 2.62	1—13	21. 4.62	no appeal	1—25	no appeal	—
7	61/62	29. 1.62	1. 2.62	0—02	2. 6.62	no appeal	4—01	no appeal	—
8	99/62	7. 3.62	14. 5.62	2—07	16. 7.62	4. 4.63	2—02	4. 4.63	8—18
9	121/62	9. 3.62	20. 3.62	0—11	21. 7.62	25. 4.63	4—01	25. 4.63	7—04
10	124/62	21. 4.62	27. 4.62	0—06	30. 8.62	25. 9.63	4—03	25. 9.63	12—25
11	141/62	6. 5.62	18. 6.62	1—12	26. 9.62	no appeal	3—08	no appeal	—
12	111/62	28. 5.62	30. 5.62	0—02	16. 8.62	23. 1.63	2—16	23. 1.63	5—07
13	147/62	1. 7.62	27. 7.62	0—26	4. 9.62	8. 8.63	1—07	8. 8.63	11—04
14	159/62	11. 7.62	21. 7.62	0—10	10.11.62	19. 8.63	3—19	19. 8.63	9—09
15	198/62	13. 7.62	N.A.	—	13. 2.63	16.10.63	—	16.10.63	8—03
16	163/62	19. 7.62	31. 7.62	0—12	15.11.62	16. 7.63	3—14	16. 7.63	8—01
17	14/63	31. 7.62	20. 9.62	1—19	16. 2.63	29.10.63	4—26	29.10.63	8—13
18	170/62	9. 9.62	10. 9.62	0—01	17.12.62	26. 9.63	2—07	26. 9.63	10—09

1	2	3	4	5	6	7	8	9
				months—days		months—days		months—days
19	184/62	12. 9.62	1.10.62	0—19	6.12.62	2—05	10. 9.63	9—04
20	188/62	13. 9.62	18. 9.62	0—05	7.12.62	2—19	10. 9.63	9—03
21	208/62	3.10.62	6.10.62	0—03	4. 1.63	2—28	no appeal	—
22	157/63	22.10.62	9. 4.63	5—17	26. 9.63	5—17	16. 7.64	9—20
23	39/63	8.11.62	1.12.62	0—23	30. 3.63	3—29	19.10.63	6—19
24	27/63	11.11.62	29.11.62	0—18	21. 2.63	2—22	no appeal	—
25	35/63	16.11.62	20.11.62	0—04	21. 2.63	3—01	no appeal	—
26	68/63	13.12.62	15. 1.63	1—02	13. 5.63	3—28	18.12.63	7—05
27	242/63	23.12.62	25. 5.63	5—02	31.12.63	7—06	14. 7.64	6—13
28	63/63	29. 1.63	12. 3.63	1—13	24. 5.63	2—02	22.10.63	5—08
29	267/63	24. 2.63	12. 4.63	1—18	15. 1.64	9—03	23.10.64	9—08
30	73/63	1. 3.63	19. 3.63	0—18	3. 6.63	2—14	17. 1.64	7—14
31	134/63	6. 3.63	1. 5.63	1—25	31. 8.63	4—00	16. 4.64	7—15
32	100/63	12. 3.63	N.A.	—	17. 7.63	—	2. 3.64	7—15
33	88/63	16. 3.63	23. 3.63	0—07	6. 7.63	3—13	31. 1.64	6—25
34	155/63	27. 3.63	18. 4.63	0—21	29. 6.63	2—11	8. 1.65	18—09
35	87/63	3. 4.63	30. 4.63	0—27	1. 7.63	3—01	20. 1.64	6—19
36	183/68	5. 4.63	15. 6.68	62—10	26. 9.68	3—11	9. 9.70	23—13
37	117/63	15. 4.63	2. 5.63	0—17	19. 8.63	3—17	14. 7.64	10—25
38	119/63	16. 4.63	10. 5.63	0—24	9. 9.63	3—29	27. 7.64	10—18
39	118/63	29. 4.63	10. 5.63	0—11	13. 8.63	3—03	no appeal	—
40	205/63	1. 8.63	13. 8.63	0—12	23.11.63	3—11	7. 9.64	9—14
41	250/63	25. 9.63	14.10.63	0—19	10. 1.64	2—26	26.11.64	10—16
42	70/64	14.11.63	10.12.63	0—26	17. 4.64	4—07	16.12.64	7—29
43	66/64	18.11.63	13. 1.64	1—25	1. 4.64	2—18	15. 1.65	9—14

1	2	3	4	5	6	7	8	9
				months—days		months—days		months—days
44	83/64	6. 1.64	25. 1.64	0—19	31. 3.64	2—06	7 1.65	9—06
45	141/64	10. 1.64	10. 4.64	32—00	4. 7.64	2—24	9. 4.65	9—05
46	168/64	1. 4.64	28. 4.64	0—27	15. 7.64	2—17	8. 3.65	7—23
47	203/64	18. 4.64	2. 6.64	1—14	4. 8.64	2—02	28. 7.65	11—24
48	201/64	1. 5.64	25. 5.64	0—24	27. 4.64	2—02	26. 2.65	6—29
49	231/64	23. 5.64	1. 7.64	1—08	28. 8.64	1—27	1. 1.65	4—03
50	244/64	7. 6.64	17. 7.64	1—10	6. 10.64	2—19	23. 9.65	11—17
51	214/64	16. 6.64	27. 6.64	0—11	13. 8.64	1—16	6. 7.65	10—23
52	237/64	16. 6.64	20. 7.64	1—04	23. 9.64	2—03	16. 10.64	0—23
53	278/64	21. 8.64	8. 9.64	0—17	23. 11.64	2—15	15. 1.65	1—22
54	21/65	5. 11.64	18. 12.64	1—13	23. 3.65	3—05	15. 2.66	10—22
55	162/65	11. 11.64	15. 4.65	5—04	28. 6.65	2—13	23. 8.66	13—25
56	41/65	22. 12.64	8. 1.65	0—16	10. 3.65	2—02	2. 3.66	11—22
57	140/65	16. 2.65	N.A.	—	24. 6.65	—	22. 9.66	14—28
58	357/65	20. 8.65	1. 10.65	1—11	20. 11.65	1—19	11. 12.67	24—21
59	402/65	4. 9.65	15. 10.65	1—11	3. 1.66	2—18	20. 12.67	23—17
60	421/65	9. 9.65	22. 10.65	1—13	8. 1.66	2—16	24. 2.66	1—16
61	404/65	28. 9.65	7. 10.65	0—09	13. 12.65	2—06	18. 10.66	10—05
62	390/65	17. 10.65	16. 11.65	0—29	28. 12.65	1—12	11. 7.66	6—13
63	61/66	26. 10.65	13. 12.65	1—17	28. 3.66	3—15	27. 2.68	22—29
64	170/66	11. 2.66	13. 3.66	1—01	10. 8.66	4—28	16. 9.68	25—06
65	199/66	29. 4.66	6. 6.66	1—07	8. 8.66	2—02	6. 9.68	24—28
66	241/66	22. 5.66	29. 6.66	1—07	5. 10.66	3—06	3. 12.68	25—28
67	196/66	9. 6.66	20. 6.66	0—11	12. 8.66	1—22	13. 9.68	25—01
68	274/66	3. 9.66	9. 9.66	0—06	6. 10.66	0—27	2. 12.68	25—26

1	2	3	4	5	6	7	8	9
				months—days		months—days		months—days
69	68/67	26. 9.66	N.A.	—	17. 4.67	—	3. 3.69	22—16
70	131/67	21. 3.67	24. 4.67	1—03	30. 6.67	2—06	21. 7.69	24—21
71	197/67	24. 7.67	14. 8.67	0—20	5.10.67	1—21	2. 9.69	22—27
72	29/68	5. 9.67	30.11.67	2—25	29. 4.68	4—29	6. 8.70	27—07
73	51/68	12.11.67	6. 1.68	1—24	30. 4.68	3—24	10. 8.70	27—10
74	103/68	3. 1.68	N.A.	—	28. 6.68	—	26. 9.70	26—28
75	211/68	14. 3.68	1. 7.68	3—17	8. 1.69	6—07	29. 6.70	17—21
76	134/68	15. 3.68	28. 5.68	2—13	11.11.68	5—13	28. 9.70	22—17
77	185/68	19. 4.68	26. 4.68	0—07	29.10.68	6—03	10. 8.70	21—11
78	105/68	30. 4.68	13. 5.68	0—13	28. 6.68	1—15	18. 1.69	6—20
79	172/68	6. 5.68	17. 6.68	1—11	18. 9.68	3—01	18. 9.70	24—00
80	201/68	21. 7.68	9. 8.68	0—18	N.A.	—	no appeal	—
81	51/70	12. 8.68	10. 9.70	24—28	24.10.70	1—14	24. 1.73	27—00
82	230/68	7.10.68	9.10.68	0—02	29.11.68	1—20	17. 7.69	7—18
83	5/69	8.10.68	13.11.68	1—05	31. 1.69	2—18	6.10.69	8—05
84	8/69	21.10.68	N.A.	—	21. 2.69	—	2.11.70	20—11
85	154/69	13.12.68	10. 2.69	1—27	28. 7.69	5—18	22. 7.71	23—24
86	107/69	24. 2.69	7. 4.69	1—13	9. 5.69	1—02	15. 3.71	22—06
87	1/70	30. 3.69	8. 7.69	3—08	23. 2.70	7—15	22. 1.72	22—29
88	35/69	3.11.68	12.12.68	1—09	26. 2.69	2—14	6.11.70	20—10
89	7/70	7.11.69	19. 1.70	2—12	12. 3.70	1—23	17. 1.72	22—05
90	150/70	21.12.69	6. 4.70	3—15	27. 1.71	9—21	19. 9.73	31—22
91	19/70	23.12.69	3. 2.70	1—10	9. 5.70	3—06	no appeal	—
92	24/70	10. 2.70	12. 3.70	1—02	23. 5.70	2—11	22. 3.72	21—29
93	5/71	25. 2.70	10. 4.70	1—15	16. 4.71	12—06	9. 4.74	35—23



1	2	3	4	5	6	7	8	9
94	61/71	30. 3.71	24. 4.71	0-24	9. 9.71	4-15	20. 9.74	36-11
95	118/72	27. 7.71	11. 8.71	0-14	30.11.72	15-19	7. 9.76	45-07
96	192/72	6. 3.72	9. 3.72	0-03	23. 3.73	12-14	18.11.76	43-25
97	254/72	15. 5.72	30. 6.72	1-15	27. 4.73	9-27	19. 7.73	2-22
98	374/74	14. 3.74	8. 7.74	3-24	5. 6.75	10-27	14. 1.77	19-09
99	283/75	23. 3.75	7. 5.75	1-14	9. 1.76	8-02	no appeal	—
100	403/75	25. 6.75	18. 7.75	0-23	4. 3.76	7-16	20. 4.76	1-16

## The Wheels of Justice

When a homicide is committed, the village watchman or the affected people report it at the police station, but the dead body (cadaver) is not touched. The assailant is sometimes caught hold of by the village watchman or other persons and he too is produced at the police station, but in most cases, the assailant runs away and in the sequence of events, he reappears later. The wheels of justice are put into motion the moment a report is lodged at the police station and the police investigation starts. An inquest is held on the dead body in the presence of witnesses. The exact state and position of the body in relation to the surroundings is described. Blood-stains on the clothes and ground are recorded in the report in which are also included marks of violence, if any, and other marks on the spot as may provide some clue to the nature of the incident. The dead body is then taken by the police and sent for a post-mortem examination to the nearest hospital, after which it is handed over to the deceased's relatives for disposal. But the blood-stained articles are sent to the Government chemical examiner to ascertain the origins of the stains whether they are of blood and if so, of human blood. So far as the assailant-accused is concerned, the police takes suitable measures to apprehend him. In the Bhil area, there is hardly any difficulty in apprehending the assailant; it is only in very few cases that he absconds and evades arrest for any length of time.

The eye-witnesses to the incident are examined by the police and their statements are recorded in a dossier, which is popu-

larly known as the police case-diary. The statement of the assailant is also similarly taken down in the case-diary. In the course of the investigation, the officer-in-charge of the police station has the power to enter and search any place and to seize any article which appears to have evidentiary value. It may be the weapon of offence, the blood-stained clothes of the victim as well as of the culprit and other articles connected with the crime. In the Bhil area, the culprit himself generally helps in the recovery of the weapons of offence, although during the court trial, he contends that his signatures or thumb-impressions had been obtained forcibly by the police on the recovered articles. Anyway, not much difficulty is ever experienced by the police in the recovery of the weapons of offence. At times, the culprit confesses his guilt and, in that event, he is produced by the police before a Magistrate, so that the culprit's confessional statement may be recorded.

If the investigation cannot be completed within 24 hours of the arrest of the accused and there are grounds to believe that the accusation against him is well-founded, he has to be produced before the nearest judicial Magistrate, who may authorise further detention of the accused in police or jail custody as he may deem proper. The limit of detention in police custody is 15 days and in jail custody, 60 days. If the investigation is not completed within 60 days, the accused must be released on bail. If, at the close of the investigation, it is found that there is not sufficient evidence to prove any guilt against the accused, he is released on bail with a direction to appear before the Magistrate having jurisdiction, if and when called upon to do so. The idea is to secure his presence before the Magistrate in case, at any subsequent time, it is desired to prosecute him on the same or some additional evidence that may be procured.

If, on the other hand, the officer-in-charge of the police station finds that there is sufficient evidence or reasonable grounds to prosecute the accused, he forwards the accused under custody to the Magistrate having jurisdiction over the case, with a police report and the articles seized. Bonds are taken from the witnesses to appear before the Magistrate, when called upon to do so. The accused is furnished with copies of the statements of the witnesses, recorded in the investigation, along with other documents. The Magistrate commits the case to the court

of session and forwards to it all the articles and documents connected with the case. Prior to the passing of the Code of Criminal Procedure, 1973, the Magistrate was required to make an elaborate enquiry before committal. Almost every case ended in committal, the proceedings were mere formalities and there was an unnecessary duplication of effort. This situation has now been corrected by the Act of 1973 and detailed examination of the case is now done only by the court of the sessions.

On the case having been committed, it is tried either by the Sessions Judge or Additional Sessions Judge. The prosecution here is led by the public prosecutor who is appointed by the Government. His tenure is for a period of 3 years and is liable to be extended from time to time but not after he has attained the age of 60 years. When the accused is brought before the court, the Government pleader opens the case, describes the accusation and states the evidence by which it is to be proved. After hearing the arguments of the prosecution and the accused, and after going through the records and the documents, if the Judge considers that there are not sufficient grounds for proceeding with the case, he can discharge the accused at that stage itself. If he thinks that there are grounds to consider that the accused has committed the offence, he frames charges against him. These are then read out and explained to the accused and his plea is recorded, whether he pleads guilty or not. If he pleads guilty, he can be convicted and sentenced according to law. But in almost all cases, the charges are denied and the trial proceeds further. The witnesses cited by the prosecution are examined in detail and they are cross-examined by the counsel appearing for the accused.

In a murder-trial, the accused is always represented by a lawyer. If he is not in a financial position to engage a lawyer, one is provided to him by the State at Government cost. A list of such lawyers is maintained and out of that list, one is chosen, when an occasion arises.

Subsequent to the recording of the testimony of the prosecution witnesses, the Sessions Court carries out a detailed examination of the accused person; whatever incriminating matter has been said against him by the prosecution witnesses is specifically brought to his notice and he is asked to offer his clarification. This exercise is carried out in a question-answer session and, at

the end, the accused is asked to indicate whether he would like to get any witnesses examined by the court in his defence. The Bhil culprits do not usually avail of this facility; they deny the incriminating evidence and leave the decision to the court. However, in the event of defence witnesses being cited, they are summoned and examined.

The expenses of getting the witness of the accused person to the court for recording their evidence are borne by the Government. Examination of the defence witnesses in the court is led and conducted by the counsel appearing for the accused and the counsel, appearing for the prosecution, cross-examines them. After concluding the examination of the witnesses of both the sides, the presiding officer of the court hears arguments of the lawyers appearing for the prosecution and also the reply of the defence counsel and then the case is closed for judgment. The presiding officer sifts, weighs and evaluates the evidence that has been produced before him and then pronounces his judgment in open court in presence of the accused person. The judgment is given effect to immediately.

When a Sessions Judge passes a death sentence, it cannot be carried out, unless it is confirmed by the High Court. Apart from this, a person sentenced to death can file an appeal in the High Court within 30 days of the judgment and within 60 days if the Sessions Judge passes any sentence other than death. But no appeal lies if the Sessions Judge passes a sentence of imprisonment not exceeding 3 months or a fine not exceeding Rs. 200. In case the trial has ended in the acquittal of the accused, the State Government can file an appeal before the High Court. But the appeal can be entertained only with the leave of the High Court. If an order of acquittal is passed in a case instituted on a private complaint, the High Court can grant a special leave to appeal on an application by the complainant. The Government can also file an appeal in the High Court for enhancement of sentence, where the trial has ended in conviction.

In cases where the High Court has, in an appeal, reversed the order of acquittal and passed a sentence of death, or where the High Court has itself tried a case and sentenced an accused to death, an appeal lies to the Supreme Court. Appeal also lies against any other sentence or order passed by the High Court

if the High Court certifies that it is a fit case for appeal to the Supreme Court. Furthermore, the Supreme Court can grant special leave to appeal against any order or sentence, which is otherwise not appealable.

Even after a case has been finally decided by the High Court or the Supreme Court and has ended in conviction, the Central and the State Governments have the power to suspend, remit or commute the sentence passed. The President of India as well as the Governors of States also have the power under the Constitution to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute sentences.

Although in most of the murder cases, life imprisonment is awarded, an impression should not be garnered that the convicted persons spend the rest of their lives in jail. On the contrary, they get the benefit of remissions which are granted to the prisoners from time to time, subject, of course, to the conduct of the convict being satisfactory in the jail. They are also granted short-term paroles to visit their families and their villages. In the normal course, a prisoner undergoing life imprisonment is released from the jail after he has undergone actual imprisonment for a period of 14 years. While inside the jail, the prisoner is taught some craft, such as carpentry, weaving, blacksmithy, masonry, so that he may eke out his living when he leaves the prison.

If a woman, sentenced to death, is found to be pregnant, the High Court orders the execution of the sentence to be postponed and may, if it thinks fit, commute the sentence to life imprisonment.

The relevant sections from the laws dealing with the disposal of homicide cases have been reproduced here. These may be of interest to only such readers as may be desirous of knowing the actual provisions made in the connected enactments.

### **Criminal Procedure Code (Cr.P.C.)**

Information in cognizable cases.

**154.** (1) Every information relating to the commission of a cognizable offence, if given orally to an officer incharge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant;

and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.

(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant.

(3) Any person aggrieved by a refusal on the part of an officer incharge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer incharge of the police station in relation to that offence.

174. (1) When the officer incharge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the State Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place

Police to enquire and report on suicide, etc.

where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

(2) The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

(3) When there is any doubt regarding the cause of death, or when for any other reason the police officer considers it expedient so to do, he shall, subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or any other qualified medical man appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

(4) The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Sub-divisional Magistrate and any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate.

Examination of witnesses by police.

161. (1) Any police officer making an investigation under this Chapter, or any police officer not below such rank as the State Government may, by general or special order, prescribe in this behalf, acting on the requisition of such



officer, may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

(3) The police officer may reduce into writing any statement made to him in the course of an examination under this section; and if he does so, he shall make a separate and true record of the statement of each such person whose statement he records.

102. (1) Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence.

Power of police officer to seize certain property.

(2) Such police officer, if subordinate to the officer-in-charge of a police station, shall forthwith report the seizure to that officer.

164. (1) Any Metropolitan Magistrate or Judicial Magistrate may, whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under this Chapter or under any other law for the time being in force, or at any time afterwards before the commencement of the inquiry or trial:

Recording of confessions and statements.

Provided that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.

(2) The Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a

confession and that if he does so, it may be used as evidence against him; and the Magistrate shall not record any such confession unless, upon questioning the person making it, he has reason to believe that it is being made voluntarily.

(3) If at any time before the confession is recorded, the person appearing before the Magistrate states that he is not willing to make the confession, the Magistrate shall not authorise the detention of such person in police custody.

(4) Any such confession shall be recorded in the manner provided in Section 281 for recording the examination of an accused person and shall be signed by the person making the confession; and the Magistrate shall make a memorandum at the foot of such record to the following effect:

“I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(Signed) A.B.  
Magistrate”

(5) Any statement (other than a confession) made under sub-section (1) shall be recorded in such manner hereinafter provided for the recording of evidence as is, in the opinion of the Magistrate, best fitted to the circumstances of the case; and the Magistrate shall have power

to administer oath to the person whose statement is so recorded.

(6) The Magistrate recording a confession or statement under this section shall forward it to the Magistrate by whom the case is to be inquired into or tried.

167. (1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of 24 hours fixed by Section 57, and there are grounds for believing that the accusation or information is well-founded, the officer-in-charge of the police station or the police officer making the investigation, if he is not below the rank of sub-inspector, shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

Procedure when investigation cannot be completed in Twenty-four hours.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding 15 days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that:

- (a) the Magistrate may authorise detention of the accused person, otherwise than in custody of the police, beyond the period of 15 days if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the

- accused person in custody under this section for a total period exceeding 60 days, and on the expiry of the said period of 60 days, the accused person shall be released on bail if he is prepared to and does furnish bail; and every person released on bail under this section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter;
- (b) no Magistrate shall authorise detention in any custody under this section unless the accused is produced before him;
- (c) no Magistrate of the second class, not specially empowered in this behalf by the High Court, shall authorise detention in the custody of the police.

*Explanation.* If any question arises whether an accused person was produced before the Magistrate as required under Paragraph (b), the production of the accused person may be proved by his signature on the order authorising detention.

(3) A Magistrate authorising under this section detention in the custody of the police shall record his reasons for so doing.

(4) Any Magistrate other than the Chief Judicial Magistrate making such order shall forward a copy of his order, with his reasons for making it, to the Chief Judicial Magistrate.

(5) If in any case triable by a Magistrate as a summons-case, the investigation is not concluded within a period of 6 months from the date on which the accused was arrested, the Magistrate shall make an order stopping further investigation into the offence unless the officer making the investigation satisfies the Magistrate that for special reasons and in the interests of justice the continuation of the investigation beyond the period of 6 months is necessary.

(6) Where any order stopping further investigation into an offence has been made under sub-section (5), the Sessions Judge may, if he is satisfied, on an application made to him or otherwise, that further investigation into the offence ought to be made, vacate the order made under sub-section (5) and direct further investigation to be made into the offence subject to such directions with regard to bail and other matters as he may specify.

169. If, upon an investigation under this Chapter, it appears to the officer-in-charge of the police station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report, and to try the accused or commit him for trial.

Release of  
accused when  
evidence  
deficient.

170. (1) If, upon an investigation under this Chapter, it appears to the officer-in-charge of the police station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial, or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for the attendance from day to day before such Magistrate until otherwise directed.

Cases to be sent  
to Magistrate  
when evidence is  
sufficient.

(2) When the officer-in-charge of a police station forwards an accused person to a Magistrate or takes security for his appearance

before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the facts and circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

(3) If the Court of the Chief Judicial Magistrate is mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference is given to such complainant or persons.

(4) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report

Commitment of case to Court of Session when offence is triable exclusively by it.

209. When in a case instituted on a police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the offence is triable exclusively by the Court of Session, he shall:

- (a) commit the case to the Court of Session;
- (b) subject to the provisions of this Code relating to bail, remand the accused to custody during, and until the conclusion of, the trial;
- (c) send to that Court the record of the case and the documents and articles, if any, which are to be produced in evidence;
- (d) notify the Public Prosecutor of the commitment of the case to the Court of Session.

225. In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.

Trial to be conducted by Public Prosecutor.

227. If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is no sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.

Discharge.

228. (1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which:

Framing of charge.

- (a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate, and thereupon the Chief Judicial Magistrate shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report;
- (b) is exclusively triable by the Court, he shall frame in writing a charge against the accused.

(2) Where the judge frames any charge under clause (b) of sub-section (1), the charge shall be read and explained to the accused and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.

229. If the accused pleads guilty, the Judge shall record the plea and may, in his discretion, convict him thereon.

Conviction on plea of guilty.

Legal aid to  
accused at State  
expense in  
certain cases.

304. (1) Where, in a trial before the Court of Session, the accused is not represented by a pleader, and where it appears to the Court that the accused has not sufficient means to engage a pleader, the Court shall assign a pleader for his defence at the expense of the State.

(2) The High Court may, with the previous approval of the State Government, make rules providing for:

- (a) the mode of selecting pleaders for defence under sub-section (1);
- (b) the facilities to be allowed to such pleaders by the Courts;
- (c) the fees payable to such pleaders by the Government, and generally, for carrying out the purposes of sub-section (1).

(3) The State Government may, by notification, direct that, as from such date as may be specified in the notification, the provisions of sub-sections (1) and (2) shall apply in relation to any class of trials before other Courts in the State as they apply in relation to trials before Courts of Session.

Evidence for pro-  
secution.

231. (1) On the date so fixed, the Judge shall proceed to take all such evidence as may be produced in support of the prosecution.

(2) The Judge may, in his discretion, permit *the cross-examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross-examination.*

Power to  
examine the  
accused.

313. (1) In every enquiry or trial, for the purpose of enabling the accused personally to explain any circumstances appearing in the evidence against him, the Court:

- (a) may at any stage, without previously warning the accused, put such questions to him



as the Court considers necessary;

- (b) shall, after the witnesses for the prosecution have been examined and before he is called on for his defence, question him generally on the case;

Provided that in a summons—case, where the Court has dispensed with the personal attendance of the accused, it may also dispense with his examination under clause (b).

(2) No oath shall be administered to the accused when he is examined under sub-section (1).

(3) The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them.

(4) The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

233. (1) Where the accused is not acquitted under Section 232, he shall be called upon to enter on his defence and adduce any evidence he may have in support thereof.

Entering upon  
defence.

(2) If the accused puts in any written statement, the Judge shall file it with the record.

(3) If the accused applies for the issue of any process for compelling the attendance of any witness or the production of any document or thing, the Judge shall issue such process unless he considers, for reasons to be recorded, that such application should be refused on the ground that it is made for the purpose of vexation or delay or for defeating the ends of justice.

## Arguments.

234. When the examination of the witnesses (if any) for the defence is complete, the prosecutor shall sum up his case and the accused or his pleader shall be entitled to reply:

Provided that where any point of law is raised by the accused or his pleader, the prosecution may, with the permission of the Judge, make his submissions with regard to such point of law.

## Judgment of acquittal or conviction.

235. (1) After hearing arguments and points of law (if any), the Judge shall give a judgment in the case.

(2) If the accused is convicted, the Judge shall, unless he proceeds in accordance with the provisions of Section 360, hear the accused on the question of sentence, and then pass sentence on him according to law.

## Sentence of death to be submitted by Court of Session for confirmation.

366. (1) When the Court of Session passes a sentence of death, the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

(2) The Court passing the sentence shall commit the convicted person to jail custody under a warrant.

## Power to direct further inquiry to be made or additional evidence to be taken.

367. (1) If, when such proceedings are submitted, the High Court thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself, or direct it to be made or taken by the Court of Session.

(2) Unless the High Court otherwise directs, the presence of the convicted person may be dispensed with when such inquiry is made or such evidence is taken.

(3) When the inquiry or evidence (if any) is not made or taken by the High Court, the result of such inquiry or evidence shall be certified to such Court.

368. In any case submitted under section 366, the High Court:

- (a) may confirm the sentence, or pass any other sentence warranted by law, or
- (b) may annul the conviction, and convict the accused of any offence of which the Court of Session might have convicted him, or order a new trial on the same or an amended charge, or
- (c) may acquit the accused person:

Power of High Court to confirm sentence or annul conviction.

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

374. (1) Any person convicted on a trial held by a High Court in its extraordinary original criminal jurisdiction may appeal to the Supreme Court.

Appeal from convictions.

(2) Any person convicted on a trial held by a Sessions Judge or an Additional Sessions Judge or on a trial held by any other Court in which a sentence of imprisonment for more than 7 years has been passed may appeal to the High Court.

(3) Save as otherwise provided in sub-section (2), any person,—

- (a) convicted on a trial held by a Metropolitan Magistrate or Assistant Sessions Judge or Magistrate of first class, or of the second class, or
- (b) sentenced under section 325, or
- (c) in respect of whom an order has been made or a sentence has been passed under section

360 by any Magistrate,  
may appeal to the Court of Session.

No appeal in  
petty cases.

376. Notwithstanding anything contained in Section 374, there shall be no appeal by a convicted person in any of the following cases, namely:

- (a) where a High Court passes only a sentence of imprisonment for a term not exceeding 6 months or of fine not exceeding one thousand rupees, or of both such imprisonment and fine;
- (b) where a Court of Session or a Metropolitan Magistrate passes only a sentence of imprisonment for a term not exceeding 3 months or of fine not exceeding two hundred rupees, or of both such imprisonment and fine;
- (c) where a Magistrate of the first class passes only a sentence of fine not exceeding on hundred rupees; or
- (d) where, in a case tried summarily, a Magistrate empowered to act under Section 260 passes only a sentence of fine not exceeding two hundred rupees:

Provided that an appeal may be brought against any such sentence if any other punishment is combined with it, but such sentence shall not be appealable merely on the ground:—

- (i) that the person convicted is ordered to furnish security to keep the peace; or
- (ii) that a direction for imprisonment in default of payment of fine is included in the sentence; or
- (iii) that more than 1 sentence of fine is passed in the case, if the total amount of fine imposed does not exceed the amount hereinbefore specified in respect of the case.

(Article 115 of the Schedule to the Indian Limitation Act lays down that an appeal against sentence of death should be preferred to the

High Court within 30 days and against any other sentence within 60 days.)

378. (1) Save as otherwise provided in sub-section (2) and subject to the provisions of sub-sections (3) and (5), the State Government may, in any case, direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court.

Appeal in case of acquittal.

(2) If such an order of acquittal is passed in any case in which the offence has been investigated by the Delhi Special Police Establishment constituted under the Delhi Special Police Establishment Act, 1946 (25 of 1946), or by any other agency empowered to make investigation into an offence under any Central Act other than this Code, the Central Government may also direct the Public Prosecutor to present an appeal, subject to the provisions of sub-section (3), to the High Court from the order of acquittal.

(3) No appeal under sub-section (1) or sub-section (2) shall be entertained except with the leave of the High Court.

(4) If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present such an appeal to the High Court.

(5) No application under sub-section (4) for the grant of special leave to appeal from an order of acquittal shall be entertained by the High Court after the expiry of 6 months, where the complainant is a public servant, and 60 days in every other case, computed from the date of that order of acquittal.

(6) If, in any case, the application under sub-

section (4) for the grant of special leave to appeal from an order of acquittal is refused, no appeal from that order of acquittal shall lie under sub-section (1) or under sub-section (2).

Appeal by the  
State Govern-  
ment against  
sentence.

377. (1) Save as otherwise provided in sub-section (2), the State Government may, in any case of conviction on a trial held by any Court other than a High Court, direct the Public Prosecutor to present an appeal to the High Court against the sentence on the ground of its inadequacy.

(2) If such conviction is in a case in which the offence has been investigated by the Delhi Special Police Establishment, constituted under the Delhi Special Police Establishment Act, 1946 (25 of 1946), or by any other agency empowered to make investigation into an offence under any Central Act other than this Code, the Central Government may direct the Public Prosecutor to present an appeal to the High Court against the sentence on the ground of its inadequacy.

(3) When an appeal has been filed against the sentence on the ground of its inadequacy, the High Court shall not enhance the sentence except after giving to the accused a reasonable opportunity of showing cause against such enhancement and while showing cause, the accused may plead for his acquittal or for the reduction of the sentence.

Power to  
commute  
sentence.

433. The appropriate Government may, without the consent of the person sentenced, commute:

- (a) a sentence of death, or any other punishment provided by the Indian Penal Code (45 of 1860);
- (b) a sentence of imprisonment for life, for imprisonment for a term not exceeding

14 years or for fine;

- (c) a sentence of rigorous imprisonment, for simple imprisonment for any term to which that person might have been sentenced, or for fine;
- (d) a sentence of simple imprisonment, for fine.

434. The powers conferred by sections 432 and 433 upon the State Government may, in the case of sentences of death, also be exercised by the Central Government.

Concurrent power of Central Government in case of death sentences.

435. (1) The powers conferred by Sections 432 and 433 upon the State Government to remit or commute a sentence, in any case where the sentence is for an offence:

State Government to act after consultation with Central Government in certain cases.

- (a) which was investigated by the Delhi Special Police Establishment constituted under the Delhi Special Police Establishment Act, 1946 (25 of 1946), or by any other agency empowered to make investigation into an offence under any Central Act other than this Code, or
- (b) which involved the misappropriation or destruction of, or damage to, any property belonging to the Central Government, or
- (c) which was committed by a person in the service of the Central Government while acting or purporting to act in the discharge of his official duty.

shall not be exercised by the State Government except after consultation with the Central Government.

(2) No order of suspension, remission or commutation of sentences passed by the State Government in relation to a person, who has been convicted of offences, some of which relate to matters to which the executive power of the Union extends, and who has been sentenced to separate terms of imprisonment which

are to run concurrently, shall have effect unless an order for the suspension, remission or commutation, as the case may be, of such sentences has also been made by the Central Government in relation to the offences committed by such person with regard to matters to which the executive power of the Union extends.

Postponement of capital sentence on pregnant woman.

416. If a woman sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may, if it thinks fit, commute the sentence to imprisonment for life.

### Articles of the Constitution of India

Appellate jurisdiction of Supreme Court in regard to criminal matters.

134. (1) An appeal shall lie to the Supreme Court from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India if the High Court:—

- (a) has on appeal reversed an order of acquittal of an accused person and sentenced him to death; or
- (b) has withdrawn for trial before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to death; or
- (c) certifies that the case is a fit one for appeal to the Supreme Court:

Provided that an appeal under sub-clause (c) shall lie subject to such provisions as may be made in that behalf under clause (1) of article 145 and to such conditions as the High Court may establish or require.

(2) Parliament may by law confer on the Supreme Court any further powers to entertain and hear appeals from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India subject



to such conditions and limitations as may be specified in such law.

136. (1) Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India,

Special leave to appeal by the Supreme Court.

(2) Nothing in clause (1) shall apply to any judgment, determination, sentence or order passed or made by any court or tribunal constituted by or under any law relating to the Armed Forces.

72. (1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence:—

Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.

- (a) in all cases where the punishment or sentence is by a court-martial ;
- (b) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends ;
- (c) in all cases where the sentence is a sentence of death.

(2) Nothing in sub-clause (a) of clause (1) shall affect the power conferred by law on any officer of the Armed Forces of the Union to suspend, remit or commute a sentence passed by a court-martial.

(3) Nothing in sub-clause (c) of clause (1) shall affect the power to suspend, remit or commute a sentence of death exercisable by the Governor of a State under any law for the time being in force.

Power of Governor to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.

161. The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends.

### Indian Penal Code

Act done by several persons in furtherance of common intention.

34. When a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

Accident in doing a lawful act.

80. Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

Act of a person incapable of judgment by reason of intoxication caused against his will.

85. Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law: provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

Offence requiring a particular intent or knowledge committed by one who is intoxicated.

86. In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

99. There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

Acts against which there is no right of private defence.

There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law.

There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Extent to which right may be exercised

*Explanation 1*—A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such unless he knows, or has reason to believe, that the person doing the act is such public servant.

*Explanation 2*—A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction, or unless such person states the authority under which he acts or, if he has authority in writing, unless he produces, such authority, if demanded.

When the right of private defence of the body extends to causing death.

100. The right of private defence of the body extends, under the restrictions mentioned in the last preceding section, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely,—

*First*—Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;

*Secondly*—Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault ;

*Thirdly*—An assault with the intention of committing rape ;

*Fourthly*—An assault with the intention of gratifying unnatural lust ;

*Fifthly*—An assault with the intention of kidnapping or abducting ;

*Sixthly*—An assault with the intention of wrongfully confining a person under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

When the right of private defence of property extends to causing death.

103. The right of private defence of property extends under the restrictions mentioned in section 99, to the voluntary causing of death or of any other harm to the wrong-doer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence, of any of the descriptions hereinafter enumerated, namely,—

*First*—Robbery;

*Secondly*—House-breaking by night;

*Thirdly*—Mischief by fire committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or as a place for the custody of property; —

*Fourthly*—Theft, mischief or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

299. Whoever causes death by doing an act with the intention of death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Culpable homicide.

*Explanation 1*—A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

*Explanation 2*—Where death is caused by bodily injury, the person who causes such injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

*Explanation 3*—The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

300. Except in the cases hereinafter excepted, culpable homicide is murder, if—the act by which the death is caused is done with the intention of causing death, or

Murder.

*Secondly*—if it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—

*Thirdly*—if it is done with the intention of

causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or

*Fourthly*.—if the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

When culpable homicide is not murder.

*Exception 1*.—Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident.

The above exception is subject to the following provisions :—

*First*.—That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

*Secondly*.—That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

*Thirdly*.—That the provocation is not given by anything done in the lawful exercise of the right of private defence.

*Explanation*.—Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.

*Exception 2*.—Culpable homicide is not murder if the offender, in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law and causes the death of the person against

whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

*Exception 3.*—Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

*Exception 4.*—Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.

*Explanation :* It is immaterial in such cases which party offers the provocation or commits the first assault.

*Exception 5.*—Culpable homicide is not murder when the person whose death is caused, being above the age of 18 years, suffers death or takes the risk of death with his own consent.

302. Whoever commits murder shall be punished with death or imprisonment for life, and shall also be liable to fine.

Punishment for murder.

303. Whoever, being under sentence of imprisonment for life, commits murder, shall be punished with death.

Punishment for murder by life convict.

304. Whoever commits culpable homicide not amounting to murder shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine, if

Punishment for culpable homicide not amounting to murder.

the act by which the death is caused is done with the intention of causing death or of causing such bodily injury as is likely to cause death; or with imprisonment of either description for a term which may extend to 10 years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death or to cause such bodily injury as is likely to cause death.

Causing death  
by negligence.

304-A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide shall be punished with imprisonment of either description for a term which may extend to 2 years, or with fine, or with both.

Abetment of  
suicide of child  
or insane person.

305. If any person under 18 years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication commits suicide, whoever abets the commission of such suicide shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding 10 years, and shall also be liable to fine.

Abetment of  
suicide.

306. If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine.

Attempt to  
murder.

307. Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine; and, if hurt is caused to any person by such act, the offender shall be



liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death.

Attempts by life convicts.

308. Whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to 3 years, or with fine or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to 7 years, or with fine, or with both.

Attempt to commit culpable homicide.

309. Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to 1 year, or with fine, or with both.

Attempt to commit suicide.

323. Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to 1 year, or with fine which may extend to one thousand rupees, or with both.

Punishment for voluntarily causing hurt.

324. Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing, or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or

Voluntarily causing hurt by dangerous weapons or means.

by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, to by means of any animal, shall be punished with imprisonment of either description for a term which may extend to 3 years, or with fine, or with both.

Punishment for voluntarily causing grievous hurt.

325. Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to 7 years, and shall also be liable to fine.

Voluntarily causing grievous hurt by dangerous weapons or means.

326. Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to 10 years, shall also be liable to fine.

Voluntarily causing hurt on provocation.

334. Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to 1 month, or with fine which may extend to five hundred rupees, or with both.

335. Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to 4 years, or with fine which may extend to two thousand rupees or with both.

Voluntarily causing grievous hurt on provocation.

*Explanation :* The last 2 sections are subject to the same provisos as *Exception I, Section 300.*

## An Overview

Now we come to the concluding chapter of this study. The Bhils stand out by certain characteristics peculiar to them. This is more than adequately confirmed by going through the court cases narrated in the eighth chapter and by a close study of some of the very recent police cases mentioned in an earlier chapter. The behaviour of the assailant, soon after he commits the homicide, is more or less similar in almost all the cases. He kills a man and then runs away to the nearest hiding place. It may be his own or some other village or forest. But it does not take much time or effort to apprehend him. It is an exception when the assailant absconds for any length of time. This happened in the homicide of Dhebra of village Nedra in Jhabua district, when one of the accused hid himself for nearly 5 years. Duria of the same village killed Dhebra on 5 April 1963, but he could be apprehended by the police only on 3 June 1968. There is another case of Kalya of village Dahod in Dhar district. He killed Narayan of the same village on 11 November 1965, but could be apprehended only on 9 April 1966. Otherwise, in most of the other cases, 79 per cent of the assailants were apprehended by the village chief (Patel) or the watchman or the police within a week from the day of committing homicide and 95 per cent of the assailants were arrested within a month. The following table shows the number of days within which the assailants were apprehended in the 100 court cases which have been described in the eighth chapter.

Number of homicide cases: 100

Assailants: 150

<i>Intervening period between the occurrence of homicide and the day of arrest</i>	<i>Number of assailants</i>	<i>Percentage to the total number of assailants</i>	<i>Progressive percentage</i>
1	2	3	4
Arrested the same day	17	11	11
1 day	34	23	34
2 days	30	20	54
3 days	17	11	65
7 days	21	14	79
15 days	20	13	92
30 days	8	5	97
60 days	1	1	98
90 days	1	1	99
More than 90 days	1	1	100
Total	150	100	

The assailants are not habitual or professional offenders and they find that the mental tension resulting from constant hiding is far more irksome than surrendering to the village officials or the police. The physical act of hiding is not all that simple; the main problem which confronts the absconder is how he is to feed himself during the course of his hiding. The Bhil community is not one that provides shelter or renders any help to an offender; in fact, the brothers and even the parents of the person committing homicide not only help in apprehending him but also do not hesitate in deposing against him in the court of law. When the attitude of the community is such, it is well-nigh impossible for the person absconding to keep himself going for any length of time and sooner than later, he surrenders to the village people or to the police. That relieves him of the problem of feeding himself and of the mental tension involved in seeking a hiding place with a view to evading arrest.

It is also to be borne in mind that the Bhils are perhaps second to none in the world in the art of tracking men and cattle.

I have known of cases where the Bhils have located their cattle many miles away by following the hoof-marks on the ground. They make no mistake about the hoof-mark and are able to distinguish it from the tens and hundreds of hoof-marks appearing on the ground. The Bhils can also tell the approximate time when the hoof-marks came to be made on the ground. The cattle-thieves, therefore, try to march the stolen cattle for long distances on the macadam or black-topped roads so that no hoof-marks are visible. All the same, it is a battle of wits between the owner and the thief and the cleverer among the two eventually wins. The task of locating an assailant is much easier. The Bhil villages are small settlements and almost everyone knows everyone else. The news of homicide spreads like wild fire in the neighbourhood and since the general attitude of the community is not to shield an offender, the people are, by and large, keen to apprehend him; particularly those belonging to the aggrieved party. Since most of the homicides take place among people, who are either closely or distantly related to one another, there is hardly ever any group of people who are not interested in seeing that the assailant is caught and handed over to the police. Apart from the need for food, the person absconding has to go to a stream or a well for drinking water and this exposes him to the eyes of those, who are out to apprehend him.

It is never safe to assume that a Bhil has forgiven or forgotten an insult, intended or unintended. It is also difficult to fathom the mind of a Bhil to ascertain whether a particular incident or a remark has been taken by him in a lighter vein or as an insult or an affront to his dignity. Superficially, it may appear as if an incident or an abuse or remark uttered without any animus or seriousness has been ignored or taken lightly, but it may prove to be the chief motivation for revenge through homicide. An unsavoury incident or remark may smoulder in his bosom for years and may, one day, erupt when the Bhil may, for outwardly inexplicable reasons, shoot his arrow or wield his sword or 'phalia' and kill a man. The victim would not know why he has been so suddenly attacked for no apparent rhyme or reason. The community and also the police wonder why a Bhil killed his dearest friend or nearest relation, but in course of time, when the past is probed, the real motive surfaces. Such a probe evidently requires considerable time and patience and, therefore,

often, even the courts observe in their judgments that the motive of crime is not apparent. But reading between the lines of the evidence of the witness, it is sometimes possible to obtain a glimpse of or an inkling into the real motive of the assailant. After all, no man, unless he is a lunatic, kills another man for no reason at all. The insult or affront is avenged any time and any where at a dance or at a fair or at a feast, or even when the persons concerned are just going along a road chatting to each other. The victim is taken totally unawares except that at the last moment, the assailant may blow the 'whistle of challenge', but then, that gives the victim very little time to ward off the blow.

Since one does not know with what kind of feeling or intention a man has come to participate in a dance, the usual practice among the Bhils is to make everyone lay down his bow, arrows, 'phalia' and sword, before he joins a dancing group. I have personally seen many quarrels taking place on this account. The participants do not usually lay down their arms willingly because they are afraid that one of their enemies lurking somewhere in the crowd may take them unawares and deal them a fatal blow. In the Bhagoria festivals also, where the Bhils collect in thousands, the police sets up centres to collect the arms of all the persons going to the festival. These centres are located on the approach roads to the main venue of the festival. When the Bhils return after the close of the festival, they pick up their arms and proceed to their homes. This precaution is very necessary, otherwise the Bhagoria festival, which is a great occasion for fun and gaiety, may become a battleground of personal vendettas, and in place of merry-making, there may be bloodshed.

The following statement gives the motive-wise classification of one hundred homicide cases:

<i>Motive</i>	<i>Number of homicide</i>
Personal enmity	32
Sudden provocation	28
Property dispute	15
Sex	8
Superstition	1
Other motives	16
Total	100



**SEX IS THE PREDOMINATING FACTOR IN EIGHT  
PERCENT OF THE KILLINGS**



This makes it clear that 60 per cent of the killings are the outcome of personal enmity and sudden provocation. Some of the homicides, which are attributed to sudden provocation, are in fact manifestations of some kind of personal enmity, which has remained dormant over a period of time. Property disputes account for 15 per cent of the homicides and sex is the predominating factor in only 8 per cent of the killings.

The feelings in regard to property ownership run high during the sowing and the harvesting period and it is for this reason that, comparatively speaking, there is a slight spurt in homicides during the months of June, September, October and November. It is also during the agricultural season that an assailant gets the opportunity to attack his adversary, while he is sitting alone or with one or two members of his family on the 'machan' (raised platform to guard the crops against men, cattle and wild animals). At that moment and in that situation, the adversary is far away from the village 'abadi' and is not in a position to get the help of his friends and relations. Therefore, it is comparatively easy to kill him. The assailant goes fully prepared to execute his plan; whereas the victim is either taken unawares and is not in a position to get any outside help.

The spurt in homicides in the months of October and November is also on account of the fact that at harvest time, certain festivals are observed not only in the Bhil area but almost all over India, which is predominantly an agricultural country. The festivals provide an opportunity for the congregation of men and women and although the sole purpose of these festivals is to provide fun and frolic and to shake off the fatigue of one full agricultural operation, but there are always some persons, whose thinking is basically perverse and who revel in inflicting grief when it is least expected. It is such men who see in the fairs and the festivals, in the weddings and the worships, in the dancing and the drinking, the chance to kill men for reasons of revenge, personal enmity, greed, jealousy and even sadism. This also holds true for the festivities which are the delight of the people in the months of February, March and April. It is the destructive attitude of some men that takes away much of the gaiety of the community and, as chance would have it, impart some kind of seasonality to the occurrence of homicide. Obviously, the

homicides emanating from sudden provocation and personal enmity have no relationship of any kind with any clime and season; these may occur at any time and account for the fact that no month passes without someone being killed.

Drunkenness is hardly ever advanced as an excuse for committing homicide. Presumably, the defence counsel appearing on behalf of the accused person knows that drunkenness is accepted as a plea only if the accused is somehow put into a state of intoxication without his knowledge or tacit willingness. Under the Indian law, an accused person is not entitled to any consideration at all if he himself consumes liquor and gets into a state of drunkenness prior to or at the time of committing a crime. Therefore, in the analysis of homicide cases, not a single occurrence is attributed to drunkenness, although, while committing the offence, the assailant may have quenched his thirst with the ubiquitous toddy or the 'mahua' liquor. Drunkenness is so prevalent in the Bhil area that it attracts no notice, and a Bhil cannot escape by saying that he committed homicide without realising what exactly he was doing because of excessive consumption of liquor and consequently total loss of the faculty of understanding. I have, at least, not come across a case of this nature either in the court records or during the course of my sojourns to the Bhil area. But everyone accepts that toddy juice or 'mahua' liquor does raise the spirits of a man and make him bolder and that in a state of intoxication, a man is transported to the world of make-believe. The usual restraints and inhibitions, the voice of conscience and fear of law, which keep a man on the right track, lose their grip as the degree of intoxication increases and even a pigmy among men would assume such prowess as may be totally beyond even the realm of his fanciful imagination. In such a mental state, he may commit acts, which are normally not expected of him.

This daring is reflected in the table on pages 326-7. In the toddy and 'mahua' months of February, March, April and May, the number of homicides committed singly is 33; in the June-September and the October-December period, the corresponding figures are 21 and 17 only. In the February-May period, the killings committed jointly by more than 1 assailant, number only 6 but this number increases in the other months.

POSITION OF ASSAILANTS IN RELATION TO TIME AND SEASON

Sl. No.	Months	Only one assailant					More than one assailant					Grand total
		Morning	Noon	Evening	Night	Total	Morning	Noon	Evening	Night	Total	
1	2	3	4	5	6	7	8	9	10	11	12	13
1. February		—	1	2	3	6	—	—	—	—	—	6
2. March		2	—	2	7	11	—	—	1	2	3	14
3. April		2	1	5	3	11	—	—	—	—	—	11
4. May		1	1	3	—	5	—	—	2	.1	3	8
TOTAL		5	3	12	13	33	—	—	3	3	6	39
5. June		—	—	2	1	3	—	—	—	2	2	5
6. July		2	1	3	1	7	1	1	1	—	3	10
7. August		—	1	—	—	1	—	1	1	1	3	4
8. September		2	1	4	3	10	—	—	—	—	—	10
TOTAL		4	3	9	5	21	1	2	2	3	8	29

## POSITION OF ASSAILANTS IN RELATION TO TIME AND SEASON

Sl. No.	Months	Only one assailant			More than one assailant			Grand total				
		Mor-ning	Noon	Eve-ning	Mor-ning	Noon	Eve-ning					
1	2	4	4	5	6	7	8	9	10	11	12	13
9, October		1	—	2	1	4	1	—	2	1	4	8
10, November		1	1	4	2	8	—	—	3	—	3	11
11, December		—	—	2	1	3	—	—	4	—	4	7
12, January		—	—	—	2	2	—	—	4	—	4	6
TOTAL		2	1	8	6	17	1	—	13	1	15	32
GRAND TOTAL		11	7	29	24	71	2	2	18	7	29	100

Intoxication may also bring to the surface an affront or an insult long forgotten, it may rekindle the fire to settle some old score. But then, the elixir of life also does bring forth in a man his finer and artistic sensibilities—he sings and plays his flute or drums with feeling, his steps in dancing assume a new grace and his glances at his beloved carry much deeper feelings of love and longing.

It is a moot point whether a Bhil is chivalrous or not. There is no doubt that a Bhil kills brutally, but chivalry is an altogether different matter. There are numerous instances of men and women being killed without any challenge or warning. In fact, men have been attacked, while they were asleep or even totally unarmed. No compunction is shown in attacking women and persons who have attempted to intervene in a quarrel. The persons attacked have begged for life but even then no compassion is shown and they are done to death. Even small children are not spared; if the motivation is to totally annihilate a family so that there may be none left to inherit the disputed land. Another characteristic feature of the Bhil pattern of violence is that the wife's paramour is seldom killed; it is the woman, who usually becomes the victim of the man's wrath. Normally, it is expected that the paramour would first be attacked and killed, but in many cases, he escapes with either a minor injury or no injury and it is the woman, who is done to death. This again is difficult to understand and, in any case, runs counter to the accepted and conventional pattern of human behaviour. It is the paramour who should be challenged first and a fight should take place with him, irrespective of the consequences. Also, it is perhaps the duty of the paramour to defend and fight for the woman, with whom he has been carrying on a love-affair. But, at the first sight of the woman's husband, he withdraws and does not even care to look back to see what is happening to the woman, on whom he was lavishly bestowing his love just a little while ago.

Yet, chivalry is exhibited in another sphere. There is no recorded instance of the victim's relatives or the village people attacking an assailant or taking their retribution on him. A man comes armed to kill another man, a 'phalia' is swung or an arrow shot, the victim falls to the ground, his own blood

relations are either present on the spot or collect soon thereafter, but no one attacks the assailant and he either coolly walks away from the scene or takes to his heels without anyone trying to catch hold of him or to chase him in order to settle the score with him on the spot. At least this is what may happen at other places and in other societies. Presumably, the code of conduct among the Bhils is to let the fight go on but not to take upon oneself the responsibility of punishing the assailant. The community evidently feels that the challenge of the assailant has to be met solely by his adversary and that, subsequent to the commission of the offence, the assailant is to be dealt with by the Government and that no one else need do anything. The others are only expected to bring the matter to the notice of the village watchman or the Patel or the police and not to take the law into their own hands. A son takes it into his head to kill his father because the latter is refusing to give him his share in the land. He goes to the father armed with bow and arrows and threatens to kill him. The father does not take him seriously and keeps on scolding him for being so insolent and audacious as to threaten his own father. While this goes on, the other sons are sitting in the house and watching all that is going on. Finally, the aggrieved son releases the arrow which pierces the father's abdomen or chest, and as a result thereof, the father succumbs to his injuries. The other sons do not retaliate, they do not catch hold of the erring brother and beat him up or even take the extreme step of killing him on the spot. They merely raise a cry, attract the attention of the neighbours or the passer's-by and finally report the matter to the village official or the police. If they can apprehend the assailant without much effort, they will do so, but will not bother to give him a hot chase. The same phenomenon is seen when friends or members of the family are attacked. The assailant and the victim have it out between themselves and the others either only mildly intervene or just watch the fight or the killing from close quarters. And it is seldom that, as a measure of revenge, the friends or the relations catch hold of the assailant and either belabour or kill him on the spot. The situation is different when the marauding gangs of dacoits or looters attack a village; on these occasions, almost

the entire village comes out to give a fight but then, that is another matter.

The following statement furnishes the division of the assailants and the victims into males and females.

<i>Assailants</i>			<i>Victims</i>		
<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>
148	2	150	86	14	100

Normally, the women keep aloof from the business of killing. Out of 150 assailants in the 100 homicide cases that have been examined, only 2 happen to be women. Similarly, out of the 100 victims of homicide, the number of women, who fell to the blows of the assailants, is only 14. Evidently, the killing in the Bhil area is primarily a man's affair and a Bhil woman is essentially a house-wife.

There is no doubt whatsoever that the Bhils are very truthful people and it is not in their blood to mis-state facts. Even the nearest kith and kin—brothers, sons and parents—do not hesitate to appear as prosecution witnesses; knowing full well that their testimony in the court will result in the conviction of the person, who is so close to them. They adhere to the path of truth irrespective of the consequences. This is amply borne out by the court cases narrated in the eighth chapter. Even on the sole testimony of a small boy or girl, who may happen to be son or daughter or younger brother or sister of the accused person, the courts have ordered conviction. Surely, it must have occurred to people that if the small boy or girl could be made to deviate from the truth, the accused could get an acquittal, but usually this is not attempted. The witnesses have sometimes turned hostile but this usually happens only when a son, who may be the mainstay of the family, is to be saved from going to the gallows. The picture may be something like this. There are 2 grown-up sons and one small son in the family. One of the elder sons kills his brother and that leaves only 2 sons, one of whom stands charged before the court for committing homicide. The old parents feel that if that son is convicted and is either hanged or sentenced to life imprisonment,

the family will be deprived of the help of a grown-up son and will face economic ruin. It is only when such a desperate situation has arisen that the father or the mother has tried to retract from an earlier statement made to the police and has tried to come to the rescue of the culprit. Otherwise, the instances of witnesses turning hostile are few and far between. It will also be noticed that the accused person is seldom able to make his family members or near relatives or friends appear in the court as his defence witnesses. The reason is simple. If the accused person has really committed a crime, then the code of honour of the Bhil community would enjoin him to suffer the consequences and no one, even the nearest and dearest to the accused, would agree to appear in the court as tutored witnesses. This undoubtedly is an admirable trait of the Bhil character.

But the accused person, almost as a rule, *retracts from the statement made by him to the police, notwithstanding the fact that it is on the basis of his confessional statement that the weapons of offence or even the dead body of the victim have been recovered by the police.* The accused person usually puts forth the plea of alibi; he asserts that when the alleged homicide took place, he was not present at the scene of the occurrence and that he had gone to some other village. But apart from making a blanket denial of this nature, he hardly ever makes any effort to establish that he was really present somewhere else. Another plea, which the accused person puts forth, is that he had been falsely implicated because of an old enmity against the prosecution witnesses. It is only in a few cases that he claims the benefit of the right of self-defence. Sometimes, the accused builds up a story that the victim was either hit by some other person with whom his relations were not cordial or that the victim accidentally hit himself with his own sword or arrow or 'phalia'. It is in this manner that the accused person usually puts forth his defence in the court. There is, more or less, a set pattern in almost all the cases. But apart from pleading this kind of innocence or defence, perhaps on being tutored by his pleader, he does not even bother to adduce witnesses to corroborate or to establish what he has put forth in his defence. Obviously, it is difficult for him to locate people



in the community, who would lend support to something which actually never happened. Fortunately or unfortunately, the Bhil society has not yet reached that stage of sophistication or artfulness where it instinctively concocts a cock-and-bull story. The community is still so well-knit and every one knows every one else so intimately that it is inconceivable for any person to be so brazen as to utter a falsehood with the intention of shielding a culprit.

It is human nature to escape punishment, and if the punishment laid down in the law of the land is life imprisonment or a journey to the gallows, the attempt to evade it is all the more frantic. Viewed against this back-drop, the posture taken by a Bhil accused may be unassailable. The Bhil accused merely denies the guilt, tries to explain away the occurrence of the crime in some other way, but there he stops. There is no attempt to threaten or brow-beat or win over the prosecution witnesses, nor is there any plot to cook up a false story by producing professional witnesses. The only weapon that a Bhil accused has with him is that of total denial of the crime alleged against him and he hopes that perhaps his assertion of innocence may convince the court; particularly in circumstances when the prosecution witnesses fumble or are not consistent in their testimony. The accused may then get the benefit of doubt, as has happened in some cases. It is also not unlikely that the plea of total denial of crime is put forth on the advice of the defence counsel; the other course obviously is to own the guilt but no man would like to put a noose around his neck himself. Somehow, this posture of denial of crime continues and sticks even after the judgment of the High Court has been delivered and even when the accused is undergoing his sentence of imprisonment in the jail. I have personally spoken to many criminals in the jails and, with one or two exceptions, I have found them consistently denying their guilt. Some convicts told me that they readily confessed their guilt to the police, so that the police may not torture them or the members of their family. Once the guilt is confessed, the police investigation comes to a halt and no further action is taken. To that extent, the accused himself and the members of his family are spared the torture

and hardship associated generally with police investigation in India. But the convict not only makes his confessional statement but also helps the police in recovering the weapons of offence and in the collection of other material evidence incriminating to himself. Therefore, the fear of police torture is not the only reason for making the confessional statement and, as observed elsewhere, the truth of the matter is that so far as the Bhil assailants are concerned, those, who make confessional statements, also happen to be the real culprits.

The Bhils are the children of nature and are as unpredictable, nature herself. The instances of their unpredictable behaviour are recorded with all the relevant details elsewhere in this study. In some cases, it may be possible to unearth some motive, some old enmity, some affront to dignity, some jealousy, but many homicides are usually unintended. The assailant is himself full of remorse after he has inflicted the fatal blow and sometimes he starts crying. He also presents himself at the police station and makes a clean breast of whatever he has done. He himself fails to understand why he acted in that particular manner and killed his own brother or a dear friend or his beloved. During one of my tours in the Bhil area, I too had a taste of the unpredictable behaviour of a Bhil woman. I was travelling in a jeep and somewhere on the road going towards Alirajpur, I saw about 4 or 5 bullock-carts going in the opposite direction. The carts were full of gaily dressed women and they were all singing. They formed a wedding party and the bride was also with them; evidently they were returning home after the marriage. As my jeep came close to the first bullock-cart, one young woman stood up and threw a big stone at us. Fortunately, it missed us but bit the wind-screen, which was totally shattered. After throwing the stone at us and seeing it shatter the windscreen, the young woman laughed and started clapping and other woman in the cart joined her. We had evidently no choice but to smile. We waved at them and proceeded further towards our destination. Any other action might have provoked the Bhil young men who were accompanying the bullock-carts on foot and they might have made us the targets of their arrows.

Yet another example of the freak behaviour of the Bhil boys



AN EX-CONVICT OF HOMICIDE AND A VETERAN OF  
MANY BOUTS. A LARGE INJURY-MARK ON THE  
STOMACH IS CLEARLY VISIBLE

is their tendency to shoot arrows at trucks or public transport buses. These boys graze cattle in the village forests and since they have lot of spare time, they keep on improving their aim by shooting arrows at various objects; mainly the branches and the trunks of trees, birds and small animals. If, at that time, a public transport bus happens to pass along the road, the boy would try his aim on the body of the bus. He is just not bothered about the consequences of his action. He usually shoots an arrow while hiding behind a tree; no one in the bus sees him and therefore, it is only when the bus halts at the next stop that one sees arrows sticking to the body of the bus. For the Bhil boy, it is just a matter of sport; it does not matter to him whether he is trying his aim on a tree or on a moving bus or a truck. Perhaps he thinks that a moving object like a bus or a truck offers a better opportunity to test his skill.

The casual attitude towards crime is shown by the manner in which the Bhils looted 2 passenger trains on 19 December 1973 and 20 July 1975. Armed with nothing more than bows and arrows, a few Bhils stopped the train, relieved some passengers of their belongings and took away cloth-bales and vegetables from the parcel van. I do not think that the raiders realized the gravity of their offence. May be, some whimsical Bhil just got the brain wave of trying his hand on a big moving object like a train. He must have argued that, having already tried their hands on buses and lorry trucks, it would be a new kind of adventure to hold up a train and apart from the fact that the booty would be sizeable, the thrill of stopping and looting a train would be much greater. Presumably, his companions approved and applauded the proposal and then executed it. If the intention of the raiders had only been to collect a big booty, the total value of the property looted would have been much more, but in the first hold-up, the booty was worth Rs. 30,000 and in the second, less than Rs. 2500. What a waste of effort! Out of the booty of the first raid, property worth Rs. 14,000 was just discarded and abandoned by the Bhils. Perhaps, later on they realised that they just could not use the entire booty and, therefore, threw it away as being of no consequence to them. No gang, impelled by the motive of material gain, would ever abandon so much property. But the Bhils, after all, are strange people and almost always react differently.

In the matter of archery, the Bhils undoubtedly excel the other tribal groups and communities inhabiting Madhya Pradesh. I have had the privilege of being posted to various tribal districts including Bastar and I have personally seen the Marias, the Murias, the Baigas and the Kamars shooting arrows with their bows, but the Bhils are far superior to them in regard to the speed and accuracy of their shooting. I have been told that the Bhils can hit a target without even seeing it but on getting its bearings from the sound emanating from it. Surely, this acumen may be possessed only by a few, but the Bhils are, by and large, very good archers. If a person is to be hit from some distance, the bow and arrow is the most favourite weapon for killing. If some limb, including the head, is to be severed from the body, the weapon generally used is the 'phalia'. The Bhils wield this weapon with great force and dexterity and with one clean sweep, they can make the head roll on the ground. No other tribal group in Madhya Pradesh uses such a weapon. Another characteristic of the Bhils is the astounding accuracy, force and speed with which they can throw even big sized stones at their adversaries. Many homicides have resulted from the throwing of stones; if, even after shooting with arrows, a victim does not totally collapse, the assailant resorts to throwing stones at him to ensure that he dies within the earliest possible time. Even without a weapon, death has been caused only by powerful hurling of stones at the victim. This is also the most favoured method among women for disposing of an irksome husband; he is usually hit with a big stone while he is asleep. And, like the men, the women also know where exactly a person should be struck with a stone so that he dies instantaneously. In any case, that is the only chance that she gets to finish off her husband; if perchance, the husband is only hurt and is somehow able to get on to his feet, he would without the slightest doubt, behead the woman with his 'phalia'. The other victim of a woman's wrath is the co-wife of her husband or another woman who may be trying to divert her husband's attention towards herself. But in killing another woman, not much strength is required; all that is necessary is to take the victim unawares and the weapon of offence is usually a big stone or a 'phalia'. Usually, the killing is done while the victim is asleep. The



BHIL WITH HIS "PHALIA"

following statement shows the kind of weapons used in 100 homicide cases.

<i>Weapon used</i>	<i>Number of homicide cases</i>
Bow and arrow	34
Phalia, Daranta and scythe	11
Gun	8
Stones	10
Sword and dagger	3
Axe	6
Lathi stick and firewood	13
Strangulation	2
Combined use of weapons	13

The Bhils have an infinite capacity to bear pain and their bodily resistance to fight disease, particularly the septic condition, is indeed amazing. The first thing a Bhil does, after getting hit with an arrow, is to take it out of his chest or the abdomen or even the neck. Sometimes, the assailant himself tries to pull out the arrow from the body of his victim; his motive is not to leave behind any evidence of the arrow having been shot by him. The extent of pain that it causes, while the arrow-head is being taken out from the body, can well be imagined. Often, there is a long drawn-out struggle to remove the arrow-head, it neither moves forward nor backward and it gets so firmly embedded and entangled among the muscles and the tissues that it is not possible to manipulate its movement in either direction. However, the Bhils do not give in easily and for quite some time, the attempts of various men, even the so-called local experts in this art, continue and in this process the vital tissues are further torn and damaged. It is only after a great deal of effort that the Bhils accept defeat and then only do they think of carrying the victim to the nearest hospital.

Many doctors working in the hospitals, located in the Bhil area, have told me that the arrow-heads which do not come out of the body in the very first attempt, should be allowed to remain in the body because that will not tear the vital tissues and the chances of recovery and survival of the victim will be

greater. While this may be true, the Bhils also have a point. It must indeed be a great agony to let a piece of iron remain embedded into the body and it would be the natural desire of any man to somehow remove it from the body.

The agony which a victim must be undergoing during his journey from his village to the hospital can well be imagined. When an arrow hits a victim in the stomach, usually the intestines protrude and come out of the incision made by the arrow. The Bhils just push the intestines into the stomach, as best as they can, and tie a broad and thick piece of cloth around the abdomen. The journey from the village may take 2-3 days, and the victim may even be referred by a smaller hospital to the bigger hospital at the district headquarters. And, yet, in many cases, the victim survives. Even the doctors are sometimes amazed at the recovery of the patients and attribute it to the great capacity of the Bhil to fight back a septic condition and to bounce back to life, once medical aid becomes available.

There is a recorded case of a Bhil who carried a portion of the arrow-head inside his abdomen for nearly 2 years. Joharia Bhil of village Katbia in Jhabua district came to the Indore jail in the year 1973. He was convicted of the offence of theft and to undergo a sentence of imprisonment. After some time, he started feeling acute pain in the abdomen but he would not tell any one that about a year ago he had been hit by an arrow in his abdomen. His agony increased and when it became unbearable, he presented himself for treatment before the jail doctor. His abdomen was opened and an iron piece was taken out, but it had by that time ruptured vital tissues and Joharia's life could not be saved.

An analysis of the homicide cases in Bhil areas given in Table A on page 338 shows that March, April, May, September, October and November are the favourite months for killing people.

There is some element of seasonability about the occurrence of homicide and this aspect has to some extent been discussed earlier in this chapter. A similar situation, although with a different seasonal pattern, prevails among the Maria Gonds of Bastar. Verrier Elwin has recorded month-wise break up of the homicide cases among Maria Gonds as given in Table B on page 338.



TABLE A

<i>Months</i>	<i>Number of homicide committed—BHILS</i>
January	6
February	6
March	14
April	11
May	8
June	5
July	10
August	4
September	10
October	8
November	11
December	7

TABLE B

<i>Months</i>	<i>Number of homicide cases—MARIAS</i>
January	9
February	9
March	5
April	10
May	10
June	3
July	9
August	8
September	10
October	12
November	9
December	6

*Prima facie*, there appears to be a similarity in the month-wise incidence of homicide cases in the 2 predominantly tribal areas of Madhya Pradesh. In regard to Bastar district, Verrier Elwin has observed:

There is definite increase in the hottest months of the year, April and May, and a corresponding increase in September and October which are also hot and enervating. On the other

hand, these variations may not be due entirely to climatic causes. The figure for June and July, for example, is only half that of the figure for September and October, but June and July are the months during which the people are hard at work in their fields. June in which only three murders occurred, is the busiest month of the year and sees the breaking of the monsoon. April and October, which show a heavy incidence of homicides, are festival periods, which are not only occasions for heavy drinking, but by providing opportunities for people to meet together make it possible for disputes to arise and old grievances to be remembered. Yet the influence of festivals must not be exaggerated. Only 12 murders occurred at festivals and not a single one at a marriage—a fact which in itself should dispose of the myth that rice-beer is the most important cause of homicide. For festivals and marriages are the chief occasions when this refreshing but potent drink is brewed and consumed.

Broadly speaking, the agricultural pattern is more or less the same in Jhabua district. Both the districts, Bastar and Jhabua, are predominantly 'kharif' and mono-crop areas—there being hardly any irrigation available for the winter crops. The area under irrigation in Bastar district is 1.8 per cent and in Jhabua district 1.2 per cent of the total cultivated area. The difference in the cropping pattern of the two districts is that, whereas in Bastar district, the main kharif crop is paddy, in Jhabua, because of lower rainfall, 'jowar', maize and ground-nut are the main 'kharif' crops. Certain festivals are observed in both the districts during the cropping season and more are celebrated subsequent to the harvesting of the crops. But the main period of festivals covers the months of January, February and March. Bhagoria' fairs commence in the month of February-March and go on until the 'Holi' festival is celebrated. Weddings are also performed during this period. May and June are the months when the agriculturists and also the agriculture labour get busy with the preparation of the fields for the ensuing 'kharif' season. July is the month when the crops start germinating in the fields, and the next 3 to 4 months keep the agriculturists fully occupied with the tending and protection of the crops. Further, in the months of October and November, the harvesting

operations provide adequate employment to the farmers and the agricultural labour.

March, April and May are also the months when the toddy trees start yielding juice and it literally flows in the Bhil area. Men and women partake of toddy juice whenever they can; it not only intoxicates them but also provides calories, proteins, enzymes and vitamins which are extremely beneficial to their health. Late April ushers in the most delightful days of 'mahua', which provides alcohol, the elixir of life. The countryside is thrilled with the first sight of the 'mahua' flower. A Bhil song says that 'mahua' is the most wonderful creation of God and that, but for its existence on this earth, life would have lost much of its mirth and gaiety; in fact, life would not be worth living without 'mahua'. The fragrance of the flower permeates the air of the entire area and the life in the countryside starts beating with a new rhythm. Even the cattle seem to run amuck—it requires considerable effort to push them away from the 'mahua' tree. The first rays of sun see the Bhil men, women and children bending under the tree, picking up the fruits and putting them into their bags of cloth. But these rays are also witness to men pulling their arrows and shooting down other men in quarrels over the right to collect the 'wonder' fruit. Human blood flows on the ground where the 'mahua' flower should scatter.

The Bhils say that the very heaven descends on Mother Earth when toddy becomes pregnant with juice and the 'mahua' trees become laden with flower. But this, unfortunately, is also the period when, as a result of intoxication, the usual restraint and inhibition to take human life is lifted, the arrows fly, the 'phalia's' swing and many in the community are done to death. Such is the irony of fate.

The story of killing clearly reveals that it is not the old and the decrepit, who are either the assailants or the victims, but it is the people in the prime of their lives, who are primarily involved in this gruesome game. The community is, therefore, at a great disadvantage. Those who die are, of course, gone for ever from this world and those who are involved in killing spend the best part of their life, particularly the entire youth, in prison. In a terrain where so much effort is required just to keep body and soul together, it is indeed a tragedy that those, who could have greatly helped in the overall prosperity and

productivity of the area, are not available to the community at large. The loss and hardship caused to the families to which the assailants and the victims belong is considerable. Out of the 150 persons committing homicide, only 18 were on the wrong side of 41 years; 111 assailants were between 21 and 41 years old. Similarly, among the 100 persons who were killed, only 17 were more than 41 years old, the bulk of the victims, 63, fell in the age group 21 to 41 years. The plight of the young girls whose husbands are killed and also of those whose partners in life spend the best part of their lives in prison, must indeed be heart-breaking. Many small children never see their father again and a lot more find their fathers returning home only as old men. Such is this business of killing!

**STATEMENT SHOWING THE AGE-WISE DISTRIBUTION  
OF THE ASSAILANTS AND THE VICTIMS**

Total number of persons committing homicide :	150
Total number of victims :	100

<i>Age group years</i>	<i>Persons committing Homicide</i>	<i>Victims</i>
7 to 12	nil	2
12 to 16	4	3
16 to 18	4	7
18 to 21	13	8
21 to 41	111	63
More than 41	18	17
Total	150	100

The pattern of killing further shows that the assailants were not particularly keen on attacking a victim in a circumspect manner. The following statement shows the place of the occurrence of homicides:

<i>Place of occurrence</i>	<i>Number of homicides</i>
Within the village	59
Outside the village	41
Total	100

In most of the cases, the assailant is just not bothered whether, during the course of his shooting the arrow or dealing the fatal stroke with the 'phalia', others are present on the spot or not. The homicides are committed stealthily usually when the victim is in a distant field or forest and when the assailant would like to concoct a story to the effect that his victim had committed suicide or that the assailants were some unknown persons. Out of the 100 cases examined in this study, 59 killings took place within the village 'abadi' (main residential area of the village) and 41 out of the village, namely, fields, roads, toddy grove, village forest and river banks. The venue of killing is evidently irrelevant to a Bhil because he kills when he takes it into his head to do so and there is very little premeditation. Even when there is premeditation, it is actually in the nature of a resolve or a determination to attack and kill someone and is not so much in the nature of a careful and meticulous drawing of plans to kill a man in such a way that the assailants may escape and the killing remains a mystery.

The following statement deals with the time of the occurrence of homicides:

<i>Time of occurrence</i>	<i>Number of homicides</i>
Morning	12
Noon	9
Evening	48
Night	31
Total	100

A man is usually not in a mood to commit homicide in the early morning soon after he gets up from his sleep. The night's rest has the effect of calming down a man's nerves, unless, during the hours of night a man keeps brooding and building up his determination to carry out his resolve. But as the day advances, many new influences start playing on the human mind. Passion, prejudices, anger, retribution, etc., influence a man's mind in several ways and his contact and association with other men and women are equally important factors.

Different men influence and are influenced differently; by and large, most men are usually neutral and unconcerned with the affairs of the others. However the sum total of the internal and external influences manifests itself in the decisions and actions of men. The resolve to do a thing singly or jointly assumes some concrete shape during the course of the day. In tribal life, alcoholic intoxication is an important factor in the process of forming a resolve; the partaking of liquor may again be done singly or in a group. This kind of drinking may also be with the intention of motivating a group to a common purpose and of mentally preparing them for some joint action. However, all these steps in the preparation to commit the final act of homicide take time and then there is the usual human tendency to do most of the undesirable things not in broad daylight but in darkness. If the intention is to commit a crime on the sly and to avoid detection, then the time preferred is the dead of night but such a predilection is shown mainly by the professional criminals and the gangs of dacoits and robbers. Most of the homicides in the Bhil area are, therefore, committed in the evening and one-third of the homicides seem to take place during the hours of the night.

There are numerous instances of the Bhil woman remaining faithful to their convict-husbands and they are not prepared even to entertain a proposal of marrying someone else on the ground that their husbands would spend 14 years in jail. This tendency to remain attached to the convict-husband is particularly discernible among the younger woman having 1 or 2 children. Normally, it is feared that the younger woman may look for some other husband, as she may not like to let her youth slip by while her husband is in prison. But the actual situation is otherwise. The common experience is that it is the younger lot that remains steadfast and is determined and prepared to rough out the period of the husbands' absence. One important factor, however, is that the convict-husband leaves behind adequate land to support the family; in fact, this is the *sine qua non* of the aforesaid situation. The wherewithals of normal existence must necessarily be there to keep the wife and the children of the convict-husband attached to his household. If the convict-husband has no land and if his family has nothing

to fall back upon, then there is no alternative for the wife but to look for another person as her partner in life. In most such cases, the separation is usually arranged amicably. The woman's parents and also the contemplated new husband come to the prison to hold a consultation with the convict in regard to the return of the bride-price to him, the maintenance of the children and other matters and it is everyone's endeavour to see that the negotiations are concluded to the satisfaction of all concerned.

No social stigma is attached to a person committing homicide and, if, on his release from the prison, he finds that he has been left without a life partner, he experiences no difficulty in getting married again, provided he is in a position to pay the bride-price. There is no resistance, no mental reservation and no hesitation of any kind in the Bhil community to provide a wife to such a person. The sociologists and the criminologists urge that the society in general should show no contempt towards an ex-convict and should permit him to get fully assimilated in the society, if the ex-convict is to be prevented from relapsing into delinquency. While, in the sophisticated society, the attitude towards a convict is just the contrary, the Bhil community has already been practising what modern sociology advocates and preaches. This also explains why the number of persons, who could be labelled as previous convicts or as professional offenders are comparatively very small among the Bhils. This is amply borne out in the analysis of the crime situation of Jhabua district.

One particular trait of the Bhil character is that a Bhil never attacks his moneylender. I have not come across a single case of a moneylender having been done to death. This situation is indeed baffling, considering the fact that no other tribal community in Madhya Pradesh and possibly in the whole country is more steeped in indebtedness than the Bhils. The moneylenders who have come from the neighbouring States of Rajasthan and Gujarat and have settled down in the Bhil territory have almost sucked the area dry; the rate of interest is the most usurious that could be imagined. No Bhil family is ever able to pay back the debt and it continues descending from the father to the son in a neverending sequence.

Whatever the Bhil produces goes to the moneylender, who not only lends money but also trades in almost everything that a Bhil produces or needs. He buys foodgrains, 'mahua', forest produce, honey and so on. Even though a Bhil knows that he will be getting less money by selling to his moneylender, yet that is the first place where he takes his produce for sale. The moneylender makes certain entries in his register and obtains the Bhil's thumb-impression, which he affixes most willingly, without even knowing what the moneylender has recorded in his book of accounts. The moneylender is also a dealer in cloth, ornaments and other items which sell in the Bhil area, and the Bhil naturally buys his requirements from him. In this way, the transactions never seem to end and it is well-nigh impossible to shake off the debt. The Bhil also seems indifferent to this situation. He seems to bother only about today and tomorrow does not seem to worry him. A kind of cynicism has overtaken him and indebtedness has more or less become a part of his life. Not stopping at this, the Bhil, on the contrary, regards his moneylender as his true ally. Whenever he is in need of money or foodgrains or clothes or ornaments, he just has to go to his moneylender, put his thumb-impression in some register and in a jiffy he gets the things he needs. Unlike a Government or a co-operative loan, no forms are to be filled in, no infructuous rounds of visits are to be made to the offices and no bribe is to be paid. He, therefore, finds it much easier to deal with his moneylender and is, therefore, beholden to him. How can he think of ever annoying him; much less plundering and attacking him!

The Bhil territory, consequently, has a great number of moneylenders. The best house in any town or a village usually belongs to the moneylender. The Bhils throng there day in and day out; there is hardly any moment when one does not find 10 to 15 Bhil men and women sitting or loitering around the moneylender's house. They are either selling or buying something and are putting their thumb-impressions on some papers. They never look so meek, so humble and so docile as when they are dealing with the moneylender. There is hardly any occasion when voices are raised and the smooth manner in which the dealings go on could be a model for any



business house, even in a metropolis. The moneylender is a proud person, he is conscious of his hold on the tribals and he also knows that if he so desires, he can bring the economy of the area to a grinding halt. He travels proudly on his pony and can visit the remotest places in the Bhil territory without any fear of any one even being disrespectful to him. No one ever shoots an arrow at him.

As I have mentioned the use of ponies by the moneylenders, I would also like to point out that a horse is held in high regard in the Bhil community and is immune from any attack from them. This privilege has not been conferred even on the cow; on the contrary, the Bhils have no taboo in regard to eating beef. But the horse is regarded as the animal of the tribal deities and is, therefore, regarded as a sacred object. The memorials, which are erected in the honour of the dead, invariably show the dead man riding a horse. Perhaps, it is because of the high position of the horse in the Bhil scheme of things, that the moneylenders move about on ponies. They feel secure in the belief that no Bhil will shoot arrows at a horse and, therefore, they would also be immune from any physical injury. I am told that partly for the same reason, horse-mounted police men have been deployed in the Bhil area. The mounted police have also proved quite effective in maintaining law and order in the countryside. Apart from other considerations, the horse enables the police to move around swiftly even in the most difficult terrain.

This study has covered 100 court cases which relate to homicides and has also briefly analysed the cases reported to the police subsequent to the year 1971. There is not one case in which the sentence of hanging by the neck has been passed by the courts. Some homicides have been indeed very brutal, but even in such cases, the sentence of imprisonment for life has been awarded. The courts have often justified the award of the lesser punishment of life imprisonment on the ground that the accused is a tribal and that he does not fully comprehend all the implications of his action. This argument has been advanced even in regard to premeditated killings. While it is not within the scope of this study to discuss the merits or the demerits of capital punishment, yet the point which does concern this study

is whether the Bhils or, for that matter the Marias of Bastar could be deterred from killing people if there is a lurking fear in their mind that they could be sent to the gallows as a punishment for the frequent and uncalled-for killings in which they indulge so recklessly. Much can perhaps be said on both sides, but the Bhil leaders have categorically told me that if the courts were to order hanging as a punishment for really brutal murders, that would have a deterrent effect on the potential killers and perhaps the incidence of homicide may register a downward trend. Of course, the fear of punishment may have no relevance to those killings that are sudden and unpremeditated, but in other situations, fear may act as a deterrent. There is a common feeling that imprisonment alone does not provide an adequate check. The Bhils and the tribals, in general, are no doubt the children of nature and nothing is dearer and precious to them than the freedom to move about freely, to live as they like and to sing and dance whenever there is an urge to do so. Therefore, confinement in a jail for an unduly long period of time, does cause great anguish to the Bhil, but the compensating factor in the prison is the assured availability of food and the other amenities of life, which are beyond the reach of many Bhils. In a social and economic milieu where every day's existence is a struggle, the assured availability of food is not an ordinary factor and it may remove much of the sting of the loss of personal freedom. I have observed many Bhil convicts in the jail and found them well-fed and in good health. But I do not for a moment concede that, because of the facilities offered by the prison, the Bhils would prefer to stay there. Whether one is a Bhil or not, no one likes to be confined to a jail and no one will ever say that he would rather be in the jail than outside. But I did not find any Bhil in a sullen or depressed mood, although I was told that this mental condition is in evidence in the initial period of imprisonment. All of them, of course, wanted very much to be set free so that they could return to their families, village and the community and lead a free life. The convicts, even otherwise, visit their village on parole and even inside the jail they have their dances and observe their festivals. Obviously, compared to the times when jail reforms had not been introduced, the present-day conditions are much better. It is in this context that desirability

of awarding the capital punishment, primarily to act as a deterrent, may assume some relevance. This is, however, a matter which falls within the purview of the sociologists and the criminologists and I would not like to tread in a realm which legitimately belongs to them.

Bad dreams bother a Bhil prisoner most. Unlike other persons, the Bhils seem to attach lot of significance to dreams. If a Bhil prisoner dreams that his wife is being intimate with someone else, he gets very perturbed and as soon as his fellow-prisoners wake up in the morning, he will hold detailed discussions with them in regard to the measures which he should take to prevent his wife from going to any other man. Similarly, the dreams about the falling of a house, death or illness in the family and loss of crop are a source of great worry to him. He becomes very sullen and depressed. If a fellow-prisoner is going out of the prison on parole, he would insist that he visits his house, makes enquiries and gets all the news about what he saw in his dream. The prisoner will also request the Welfare Officer or the Probation Officer of the jail to write to the concerned village official and get the relevant facts about his wife, family, crop or the house. Sometimes, a prisoner gets so obsessed with what he has seen in his dream that he even stops eating his food. When that happens, one of the prison officials is especially sent to the convict's village to get all the facts, so that his agony may come to an end and he may revert to his normal life. Outside the prison, when a Bhil sees a bad dream, he immediately visits the village priest or the witch-doctor and gets his interpretations about the dream. These men follow the usual ritual, they go into a trance, see something in the water kept in a pot, read some meaning into the positioning of the grain which they throw on the ground while chanting 'mantras' and then pronounce their interpretation. The Bhil then follows their advice. Obviously, this facility is not available in the prison and this is a source of great concern to the Bhil prisoners. Dreams are vital in the lives of the tribal communities almost all over the world and it is not that only the Bhils are obsessed with them. Laubscher records the following about the Tembu tribes of Africa:

There is a common belief that a mischievous little fellow

called 'Tilokoshe' appears in the dreams of women and has intercourse with them. He is described as a dwarf-like little man with short limbs and powerful thick-set body. He wears a sheep-skin wrapped round his shoulders. One of his outstanding physical characteristics is his huge penis. Close on a hundred girls, with ages ranging from sixteen to eighteen, were interviewed for the purpose of ascertaining the nature and extent of their dreams. Practically every one of them mentioned dreams in which the 'Tikoloshe' figured prominently and sexually. Whenever in the dream they resisted his advances, he choked them and they woke up in terror, and at times screamed in their sleep.

As stated earlier there is no particular stigma attached to a homicide convict. After he is released from the prison, he invariably returns to his village. He is required to camp outside the village boundary; certain ceremonies are performed before he enters the village and finally he has to give a feast to the village elders and others, who matter in the community and who, according to the traditions and conventions, have to be invited to such feasts. Liquor is also partaken. Thereafter, the ex-convict re-enters the community and starts leading a normal life. No disrespect is shown to him, he is not subjected to any humiliation; nor is he assigned an inferior position in the social milieu. The family of the victim or the other persons connected with the homicide may continue to harbour ill-feelings against the assailant and may wait for a suitable opportunity to settle the score with him some day, but that is a different matter and has no direct bearing on the community's attitude towards the ex-convict. One may attribute the high incidence of homicide in the Bhil territory to the tolerant attitude of the community towards the ex-convicts, but this again is a debatable matter. Yet, as alluded to earlier, the ex-convict does not usually commit any more homicides, and barring a few exceptions, all the persons convicted of killing happen to be the first offenders; there are no professional murderers among the Bhils.

It is the release of the women convicts which sometimes presents itself as a problem. By the time they are released, they attain middle or old age; that youth is certainly long past. To that extent, the opportunities of remarriage are minimized. If it

were her husband whom she happened to kill, her acceptability in her husband's house is almost nil. Similarly, if the victim of wrath had been the second or the third wife of her husband, it is difficult for her to find a place again in her husband's home. The situation may, of course, be different if the husband is himself in need of a partner. Then there is no problem and she settles down in her husband's home and the old life is resumed. But it is commonly seen that the women convicts usually go back to the village of their parents and stay with them, if they are alive, or with some other relation on the parent's side. They work as farm labour and eke out a living. If the woman has not totally crossed the age of remarriage, she may marry some man and live with him as his cohort for the rest of her life.

It will also be noticed that almost all the homicides are intra-community, the killings take place only among the Bhils and mostly among near or distant relations and acquaintances.

But for the attack by the gangs of dacoits or the freak misadventures of the young and the immature among the Bhils, the killings are strictly within the community. It is for this reason that the Bhils resent a probe or the prying eyes of the outsiders into the killings among them. They say that it is their internal matter and that there should be no meddling by outsiders in their affairs. Notwithstanding this assertion, the present study has been made; although with due apologies to the Bhils.

Finally, whatever aberrations the Bhil shows, emanate not from cowardice or the weakness of his character; on the contrary most of them are symptoms and manifestations of his vigour, virility and ebullience. Such has been the story from the days the great epics of India were written. And it is from such a tribe that we might look one day for creative genius, for positive, explosive, advanced ideas.

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